IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 734 OF 2010

Shri Snowkon Gonsalves,
r/o. H. No.122/1, Second Ward,
Colva, Salcete, Goa. ..... Petitioner.

V/s.

1. Goa Coastal Zone Management Authority
(through) its Member Secretary, Saligao,
Bardez, Goa.

2. Goa Foundation, a Society registered
under the Societies Registration Act, 1860,
through its Secretary, Dr. Claude Alvares,
and having its registered Office at
Room 7, above Mapusa Clinic,
Mapusa, Goa. ..... Respondents.

Mr. S. D. Lotlikar, Senior Advocate with Mr. Galileo Francisco Teles, Advocate for the Petitioner.

Mr. V. Rodrigues, Addl. Govt. Advocate for respondent No.1.

Ms. Norma Alvares, Advocate for respondent No.2.

CORAM : S.A. BOBDE &
F.M. REIS, JJ.
Date : 1st August, 2011.

ORAL JUDGMENT : (Per S.A. BOBDE, J.)

Rule. Rule, returnable forthwith. Heard finally by consent of the parties.

2. The petitioner has approached this Court for a direction, inter alia, to respondent No.1 to decide the show cause notice dated 07/01/2010 in a time-bound manner.

3. Mr. Rodrigues, learned Addl. Govt. Advocate states that the matter has been decided and an order has been communicated. Learned Addl. Govt. Advocate further states that the demolition has been carried out. Mr. Lotlikar, learned Senior Advocate for the petitioner states that under the garb of executing the orders of demolition of an illegal structure, the respondent has demolished a legal structure belonging to the petitioner. This is denied by the learned Addl. Govt. Advocate.

4. We are of the view that controversy raised by Mr. Lotlikar cannot be properly made a subject-matter of this petition. We, accordingly,

decline the request of Mr. Lotlikar to apply for amendment of the petition. The petitioner is, however, at liberty to take out such proceedings as may be advised in law in respect of the alleged illegal demolition of the structure. All contentions in that regard are left open.

5. The Rule is disposed of accordingly.

S.A. BOBDE, J.

F.M. REIS, J.

ssm.

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 734 OF 2010

SHRI. SNOWKON GONSALVES ... Petitioner
Versus
GOA COASTAL ZONE MANAGEMENT AUTHORITY THROUGH ITS MEMBER SECRETARY ... Respondent

Mr. Galileo Teles, Advocate for the petitioner.
Mr. V. Rodrigues, Addl. Govt. Advocate for respondent No.1.
Ms. Norma Alvares, Advocate for respondent No.2.

Coram:- S.A. BOBDE &
F. M. REIS, JJ.

Date:- 11th July, 2011

P.C.:-

Ms. Alvares seeks time. S.O. 1st August, 2011. No interim relief.

S.A. BOBDE, J.

F. M. REIS, J.

ssm.

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 734 OF 2010

SHRI. SNOWKON GONSALVES ... Petitioner
Versus
GOA COASTAL ZONE MANAGEMENT AUTHORITY THROUGH ITS MEMBER SECRETARY ... Respondent

Mr. Galileo Teles, Advocate for the Petitioner.

Mr. V. Rodrigues, Additional Government Advocate for Respondent no.1.

Ms. N. Alvares, Advocate for Respondent no.2.

Coram:- S. C. DHARMADHIKARI & F. M. REIS, JJ.

Date:- 25th April, 2011

P.C.

Heard Mr. G. Teles, learned Counsel appearing for the Petitioner. As stated on 22.3.2011 till date no amendment application is filed.

2. If the same is not filed before 28.4.2011, this petition shall stand dismissed without any further reference to this Court.

S. C. DHARMADHIKARI, J.

F. M. REIS, J.

vn

AMENDED W.P

30 minutes

pg 34 Pleasure
pg 42 Sahajane

IN THE HIGH COURT OF BOMBAY AT GOA.

Writ Petition No. /2010

Shri Snowkon Gonsalves
r/o H. No. 122/1,
Second Ward,
Colva, Salcete, Goa

.... Petitioner

V/s

Goa Coastal Zone Management
Authority (through) its Member
Secretary, Saligao, Bardez, Goa .... Respondents

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Place:

Date:

Advocate for Petitioner

IN THE HIGH COURT OF BOMBAY AT GOA.

Writ Petition No. /2010

Shri Snowkon Gonsalves
r/o H. No. 122/1,
Second Ward,
Colva, Salcete, Goa

.... Petitioner

V/s

Goa Coastal Zone Management
Authority (through) its Member
Secretary, Saligao, Bardez, Goa .... Respondents

....

SYNOPSIS & CHRONOLOGY OF DATES & EVENTS

Sr. No.	Date	Particulars
1.	28.02.1975	Approval given by PWD Department and Town & Country Planning Department to Mrs. Leonardo De Loyola Furtado e Fernandes for the purpose of extension/repairs of existing structures, compound wall and well in plot A of property no. 54/4
2.	08.04.1975	Construction licence granted to Mrs. Leonardo De Loyola Furtado e Fernandes by Village Panchayat of Colva for extension of existing structure, compound wall and well.
3.	17.11.1993	Sale Deed executed by Mrs. Leonardo De Loyola Furtado e Fernandes in favour of Mrs. Piedade Filomena Gonsalves with respect to plot A, in property bearing survey no. 54/4.
4..	28.10.2008	Application for repairs and renovations of existing structures, compound wall and well made by the Petitioner to GCZMA alongwith necessary documents.
5.	17.04.2009	Approval granted by GCZMA for repairs and renovations of the existing structures after carrying out site inspection pursuant to the 40th Sub-Committee of GCZMA in property bearing survey no. 54/4-A.
6.	10.08.2009	Clarificatory letter issued by GCZMA extending the permission granted for construction of compound wall and well in property bearing survey no. 54/4-A
7.	22.09.2009	Approval granted by the Town and Country Planning Department, Margao giving no objection for repairs and renovation for the existing structure, compound and well in property bearing survey no. 54/4-A.
8.	06.01.2010	Construction granted by Village Panchayat of Colva for existing structures, compound wall and well in property bearing survey no. 54/4-A.

9.	07.01.2010	Show Cause Notice issued by GCZMA to the Petitioner.
10.	11.01.2010	Letter received by the Petitioner from GCZMA informing that the permission granted for repairs and renovation for existing structures, compound and well has been kept in abeyance till final decision is taken in the matter.
11.	20.01.2010	Letter addressed by the Petitioner to GCZMA seeking copy of the alleged complain based on which show cause notice was issued to the Petitioner.
12,	08.03.2010	Reminder sent by Petitioner to GCZMA to furnish copies of the alleged complaint pursuant to which the show cause notice was issued to the Petitioner.
13.	18.08.2010	Reply to the show cause notice furnished by the Petitioner to GCZMA
14.	11.10.2010	Order dated 11.10.2010 dismissing the petition for want of Copy of Order of Apex Court.
15.	22.10.2010	Present petition filed by this Hon'ble Court.

Place:

Date:

Advocate for Petitioner

IN THE HIGH COURT OF BOMBAY AT GOA.

Writ Petition No. /2010

Shri Snowkon Gonsalves
r/o H. No. 122/1,
Second Ward,
Colva, Salcete, Goa

.... Petitioner

V/s

Goa Coastal Zone Management
Authority (through) its Member
Secretary, Saligao, Bardez, Goa .... Respondents

....

QUESTIONS FOR DETERMINATION

&

LIST OF ACTS AND AUTHORITIES

1. Whether the Impugned Communication dated 11.01.2010 issued by the Goa Coastal Zone Management Authority keeping the permission granted for repairs and renovations in abeyance is arbitrary, illegal and perverse?
2. Whether the Impugned Communication dated 11.01.2010 issued by the Member Secretary of GCMZA without placing the same before the GCZMA Committee is without any authority and hence liable to be quashed and set aside?
3. Whether grave prejudice is caused to the Petitioner in as much as no documents have been furnished till date of the alleged complaint based on which show cause notice has been issued to the Petitioner and the granted permission has been kept in abeyance?
4. Whether the Petitioner is entitled for a direction against the GCZMA to conduct the enquiry in a time bound manner?

LIST OF ACTS & AUTHORITIES:

1) CRZ Regulations, 1991
2) Constitution of India
3) Such other acts with the leave of the Court

AUTHORITIES:

1) Nil at the moment.

IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No. /2010

IN THE MATTER OF ARTICLE 226 OF THE CONSTITUTION OF INDIA

AND

IN THE MATTER OF COASTAL REGULATION ZONE NOTIFICATION, 1991

AND

IN THE MATTER OF ARTCILE 21 OF THE CONSTITUTION OF INDIA

AND

IN THE MATTER OF ORDER DATED 11.01.2010 PASSED BY GOA COASTAL ZONE MANAGEMENT AUTHORITY KEEPING THE PERMISSION FOR CONSTRUCTION IN ABEYANCE.

Shri Snowkon Gonsalves
r/o H. No. 122/1,
Second Ward,
Colva, Salcete, Goa

.... Petitioner

V/s

(1) Goa Coastal Zone Management Authority (through) its Member Secretary, Saligao, Bardez, Goa .... Respondents

(2) Goa Foundation (Through Claude Alvares)

(The above are the registered address of the parties)

TO,
THE HON'BLE CHIEF JUSTICE &
COMPANION JUDGES, BOMBAY
HIGH COURT AT PANAJI GOA

THIS HUMBLE PETITION OF THE PETITIONER MOST RESPECTFULLY SHEWETH:

1. The Petition is a citizen of India and resident of the above mentioned address as shown in the cause title.
2. The Respondent is the authority under the Goa Coastal Zone Regulations, 1991.

3. The Petitioner has approached this Hon'ble Court being aggrieved by the Order passed by GCZMA (Respondent) whereby the repairs and renovation licence granted to the Petitioner has been kept in abeyance by the Respondent Authority.

4. The Petitioner is the owner in possession of property bearing survey no. 54/4-A situated within the village of Colva by virtue of will executed by late Smt. Filomina Gonsalves hereinafter referred to as the "said property" for the sake of brevity and the name of the Petitioner is recorded in the occupant column of form I and XIV of the said property. *(Annexed hereto is the copy of Form I and XIV alongwith the survey plan and copy of will, marked as Exhibit 'A' Colly).*

5. The Petitioner states that the said property was purchased by Smt. Piedade Filomena Gonsalves, who is the mother of the Petitioner in the year 1993 by way of Deed of Sale executed by Mrs. Leonara De Loyola Furtado e Fernandes, the original owner of the property before the Sub-Registrar of Salcete on 17.11.1993. *(Annexed hereto is a copy of Deed of Sale and marked as Exhibit 'B'.*

6. The Petitioner states that the said property was purchased by said Smt. Piedade Filomena Gonsalves pursuant to the Agreement of Sale executed on 08.04.1983 and the said property was purchased alongwith existing structures which existed since 1975 for which construction licence was granted by the Village Panchayat of Colva vide construction licence no. 18/75 daed 08.04.1975 to her predecessor in title, Mrs. Leonara De Loyola Furtado e Fernandes. *(Annexed hereto is a copy of Construction Licence granted by Village Panchayat of Colva and marked as Exhibit 'C').*

7. The Petitioner states that the said construction licence was granted by Village Panchayat of Colva in terms of Resolution No. 34 taken in the panchayat meeting on 06.04.1975 for the purpose of construction/extension of the existing house, construction of the compound wall and a well at third ward, Colva as per the approval of Town & Country Planning Committee bearing ref. no. DJ/1506/3173/74-75. *(Annexed hereto are the copies of approval and marked as Exhibit 'D').*

8. The Petitioner states that the said construction licence was issued by the Village Panchayat subsequent to getting approval from the Town and Country Planning Department vide letter dated 14.03.1975 and NOC from the PWD Department vide letter dated 28.02.1975. *(Annexed hereto are the copies of the approvals and marked as Exhibit 'E' Colly.)*

9. The Petitioner had moved an application dated 28.10.2008 to the Respondent seeking permission for repairs and renovations of the structures, compound wall and well situated in the said property. The Petitioner also furnished necessary documents to prove the existence of the structure prior to CRZ Regulation enforcement, 1991 alongwith the survey records while submitting the application to GCZMA. *(Annexed hereto is the copy of the application and marked as Exhibit 'F').*

10. The Petitioner states that the Respondent Authority conducted site inspection of the said property and after examining the petitioner's case in the 40th GCZMA Sub-Committee meeting, held on 20.01.2009, granted approval for repairs and renovations of the existing structures in survey no. 54/4-A of Colva Village, Salcete Taluka not exceeding existing FSI, existing plinth area and existing density, subject to confirmation with local building bye laws. *(Annexed hereto is the copy of Approval dated 17.04.2009 and marked as Exhibit 'G').*

11. The Petitioner states that vide letter bearing reference no. GCZMA/S/08-09/41/310 dated 10.08.2009, the Respondent further clarified that the approval should be read as *"Approval is hereby granted only for repairs and renovations of the existing structure, compound wall and well in Survey No. 54/4-A in Colva Village, Salate Taluka,"* thereby extending the permission of repairs and renovations even to the compound wall and the well in the said property. *(Annexed hereto is the copy of letter dated 10.08.2009 and marked as Exhibit 'H').*

12. The Petitioner states that based on the approval granted by the GCZMA, the Village Panchayat of Colva was pleased to grant construction licence no. VP/SVCG/CONST-65/2009-10/2130 dated 06.01.2010 for the proposed repairs and renovation of the existing structure, compound wall and well in property bearing survey no. 54/4-A of Colva village. *(Annexed hereto is the copy of the construction licence issued by the Village Panchayat of Colva and marked as Exhibit 'I').*

13. The Petitioner states that even the office of Senior Town Planner, Town and Country Planning Department, South Goa District vide its letter dated 22.09.2009 bearing reference no. TPM/CONST/COLVA/54/4A/09/52/3 has granted no objection for repairs and renovation of the said existing structure, compound wall and the well. *(Annexed hereto is the copy of Approval letter and marked as Exhibit 'J').*

14. The Petitioner states that the Petitioner was shocked to receive a show cause notice under Section 5 of the Environment (Protection) Act, 1986

from Respondent bearing reference no. GCZMA/S/08-09/41/695 dated 07.01.2010 whereby the Petitioner was directed to file a reply pertaining to allegations made by some person that the Hon'ble High Court of Bombay vide its Judgment and Order dated 02.03.2000 in Writ Petition No. 76/95 and 237/99 had directed Mrs. Piedade Filomena Gonsalves to demolish the structures erected, and the civil appeal filed challenging the Order passed by the High Court were dismissed by the Supreme Court vide its Order dated 11.03.2004.

15. The Petitioner was also called upon by the Respondent to show cause as to why the permission granted should not cancelled and withdrawn and appropriate proceedings under law be initiated against the Petitioner for misleading the Respondent authority. *(Annexed hereto is the copy of show cause notice and marked as Exhibit 'K').*

16. The Petitioner states that immediately after the receipt of the show cause notice another letter was addressed to the Petitioner bearing reference no. GCZMA/S/08-09/41/700 dated 11.01.2010 whereby the Petitioner was intimated that the Respondent authority has decided to keep the permission granted vide office letters "GZCMA/S/08-09/41/70 dated 17.04.2009 and GCZMA/S/08-09/41/164 dated 12.06.2009 and GCZMA/S/08-09/41/165 dated 12.06.2009) were held in abeyance till the matter is decided by the authority. *(Annexed hereto is the copy of letter and marked as Exhibit 'L')* hereinafter referred to as the *"Impugned Communication".*

17. The Petitioner states that immediately upon receipt of the Order dated 11.01.2010, the Petitioner addressed the letter to the Respondent Authority seeking for the copy of the complaint on the basis of which the Respondent Authority had issued show cause notice in order to effectively reply/answer the show cause notice dated 07.01.2010 issued by Respondent. *(Annexed hereto is the copy of letter dated 20.01.2010 addressed by the Petitioner to Respondent and marked as Exhibit 'M').*

18. The Petitioner states that yet another reminder was sent to the Respondent on 08.03.2010 requesting for documents to enable the petitioner to effectively reply to the show cause notice of 11.01.2010. *(Annexed hereto is the copy of letter dated 08.03.2010 and marked as Exhibit 'N').*

19. The Petitioner states that despite repeated oral requests and paying personal visits to the Office of Respondent till date neither any reply to the letter has been furnished nor copy of the complaint has been issued to the Petitioner.

20. The Petitioner states that without despite the aforesaid fact, the Petitioner filed detailed reply before the Respondent giving detailed explanation pertaining to existence of the structures in survey no. 54/4-A in Colva village alongwith copies of supporting documents to show legality of the existing structures before enforcement of CRZ Regulations i.e. 19.02.1991. *(Annexed hereto is the copy of reply of the Petitioner dated 18/8/2010 and marked as Exhibit 'O').*

21. The Petitioner states that in the aforesaid reply it is also clarified that the subject matter before the GCZMA for which repairs and renovations were granted was not the structure which was directed to be demolished by this Hon'ble Court vide its Judgment and Order dated 02.03.2000 in Writ Petition No. 76/1995 in as much as the subject matter of the said Writ Petition was a building which was constructed between 13.07.1994 and completed on 17.08.1994.

22. The Petitioner states that even otherwise in Writ Petition No. 236/2010 filed by Goa Foundation seeking enforcement of Order dated 02.03.2000, the Village Panchayat Colva has placed before this Hon'ble Court, letter received from the parties, permissions and approvals granted which clearly show that the subject matter for which repairs and renovations was sought for from GCZMA was with respect to the structures constructed in the year 1975 and the structure which was directed to be demolished vide Order dated 02.03.2000 has already been complied by the Petitioner's mother.

23. The Petitioner seeks to rely upon letter dated 30.11.2004 received from Piedade Filomena Gonsalves and letter dated 09.03.2006 received from Filomena Piedade Serrao wife of Mr. Felix Menino Jesus Serrao, Petitioner in Writ Petition No. 76/1995 stating therein compliance in full satisfaction of the Orders passed by this Hon'ble Court in Writ Petition No. 76/1995 and Writ Petition 237/1999. *(Annexure hereto is the copies of above letters marked as Exhibit 'P' Colly).*

24. The Petitioner states that in addition to the above, the Village Panchayat of Colva was directed by this Hon'ble Court in Suo Motto Writ Petition 2/2006 to identify the structure constructed within 200 meters of HTL after the enforcement of CRZ Regulations, 1991.

25. The Petitioner states that show cause notice was issued to late Piedade Filomina Gonsalves with respect to structures situated in survey no. 51/2, 51/1 and 54/4 by the Village Panchayat of Colva vide letter dated 10.04.2008 bearing reference no. VP/SVCG/149/08-09/ for which reply

was furnished by my mother vide letter dated 29.04.2008. After considering the reply and after giving opportunity of personal hearing, the Village Panchayat in its meeting held on 15.06.2009, unanimously resolved to withdraw the show cause notice given to said Piedade Filomena Gonsalves alongwith other persons who had produced documentary evidence in support of the legality of the respective structures.

26. The Petitioner states that under the reply dated 29.04.2008, the Village Panchayat of Colva was also informed that Piedade Filomena Gonsalves is the owner of the property bearing survey no. 54/4-A which is originally a part of larger property surveyed under Survey No. 54/4 of Village Colva and her property was partitioned and allotted separate survey no. 54/4-A. *(Annexed hereto is the copy of the reply and marked as Exhibit 'Q')*

27. The Petitioner states that pursuant to the letter dated 11.01.2010 issued by the Respondent, the Village Panchayat also issued letter bearing reference no. VP/SVCG/2495/2009-10 dated 04.03.2010 directing the Petitioner to show cause why the Construction Licence should not be revoked and also further directions not to proceed with the repairs and renovations of the existing structures based on construction licence no. VP/SVCG/CONST/65/2009-10/2130 dated 06.01.2010. The Petitioner also submitted his letter to the Village Panchayat vide letter dated 09.04.2010 *(Annexed hereto is the copy of letter marked as Exhibit 'R' Colly).*

28. Being aggrieved by the Impugned Communication, the Petitioner had approached this Hon'ble Court by way of Writ Petition No.679 of 2010 and the same was dismissed with liberty to file petition along with copies of the Orders referred in the Impugned Communication.
Annexed hereto is the copy of the Order dated 11th October,2010 passed in WP No. 679 of 2010 and marked as Exhibit 'S'.

29. The Petitioner is enclosing the copies of the Orders passed by this Hon'ble Court in W.P. No. 76/1995 and 237/1999 dated 02.03.2000 and the Judgment of the Apex Court in Civil Appeal No. 960 & 961 of 2002 dated 11.03.2004. Annexed hereto are the copies of Orders passed by this Hon'ble Court and the Apex Court and marked as Exhibit 'T' Colly.

30. The Petitioner states that despite giving replies to the show cause notice issued to the Petitioner by the Respondent Authority no action what so ever has been taken by Respondent to conduct further hearing in the matter pursuant to the show cause notice while at the same time keeping

(7)

30A. The Petitioner states that during the course of the hearing before this Hon'ble Court on 22nd March, 2011, the Counsel appearing on behalf of Respondent No. 1 pointed out that the Goa Coastal Zone Management Authority vide letter dated 03.01.2011 bearing reference no. GCZMA/S/08-09/41/773 had addressed a copy to the Petitioner informing that the permissions granted for repairs and renovations to the structures which were held in abeyance were cancelled and revoked by the GCZMA.

30B. The Petitioner states that no intimation/Order has been issued by the Respondent No. 1 to the Petitioner communicating to the Petitioner that the permission granted for repairs and renovations and conveyed vide letter no. GCZMA/S/08-09/41/70 dated 17.04.2009 and further amendment made by letter no. GCZMA/S/08-09/41/310 dated 10.08.2009 which were held in abeyance vide letter no. GCZMA/S/08-09/700 dated 11.01.2010 were cancelled and revoked.

30C. The Petitioner states that no communication was addressed to the Petitioner by the Respondent No. 1 that the permissions granted have been revoked/cancelled by Respondent No. 1 although a copy is apparently shown to be marked in the letter bearing reference no. GCZMA/S/08-09/41/773 dated 03.01.2011.

30D. The Petitioner states that the Petitioner was not even personally heard before passing the Order dated 03.01.2011 and the Petitioner has not been furnished the copy of the complaint based on which the permission which was granted by the GCZMA to carry repairs and renovation was revoked/cancelled arbitrarily as per note at the end of letter bearing no. GCZMA/S/08-09/41/773 dated 03.01.2011.

30E. The Petitioner states that there is no delay in approaching this Hon'ble Court in as much as the fact of cancellation/revocation of the permission granted was pointed out by the Counsel of the Respondent No. 1 in this Hon'ble Court on 22.03.2011.

As per order dt 4/5/2011

30F. The Petitioner being aggrieved by the portion of Order in letter bearing reference no. GCZMA/S/08-09/41/773 dated 03.01.2011 of cancellation and revocation of the permission granted by the Respondent No. 1 to the Petitioner vide letter no. GCZMA/S/08-09/41/70 dated 17.04.2009 and further amended vide letter no. GCZMA/S/08-09/41/310 dated 10.08.2009 seeks to challenge the same before this Hon'ble Court on the grounds mentioned herein below.

been fixed for hearing in order to culminate the proceedings arising out of the show cause notice.

VIII. The Petitioner states that even otherwise pursuant to the directions issued by this Hon'ble Court in Suo Motto Writ Petition 2/2006 the Village Panchayat of Colva had withdrawn the Show Cause Notice after being satisfied about the existence of the structures in survey no. 54/4-A being prior to enforcement of CRZ Regulations, 1991.

IX. The Petitioner states that Impugned Communication dated 11.01.2010 is in violation of Principles of Natural Justice and hence is liable to be quashed and set aside.

IXA The Petitioner states that the Impugned Order of cancellation and revocation of permission granted vide letter no. GCZMA/S/08-09/41/773 dated 03.01.2011 is non speaking, arbitrary without taking into consideration the reply filed by the Petitioner and hence is liable to be quashed and set aside.

IXB The Impugned Order has been passed without even placing the matter before the Sub-Committee which had earlier granted the permission for repairs and renovation after examining the case of the Petitioner and after carrying out the physical inspection of the property of the Petitioner.

IXC. The Petitioner states that the Member Secretary of the Respondent No. 1 has no powers to review the decision of the Sub-Committee of Respondent No. 1 after having applied its mind to the material placed before it.

IXD. The Petitioner states that grave prejudice has been caused to the Petitioner, in as much as no copy of the complaint has been furnished to the Petitioners on the basis of which the entire action was initiated for cancellation of permission granted by the Respondent No. 1.

IXE The Petitioner states that no Order has been communicated to the Petitioner of cancellation and revocation of permission granted vide letter no. GCZMA/S/08-09/41/773 dated 03.01.2011.

of this Hon'ble court. This Hon'ble Court has jurisdiction to hear and decide this Petition. Necessary court fee is affixed herein.

38. The Petitioner, therefore, prays as under:

PRAYERS

A. This Hon'ble High Court be pleased to issue Writ of Certiorari or in the nature of Certiorari or any other appropriate writ, order or directions to quash and set aside the Impugned Communication dated 11.01.2010 passed by GCZMA bearing reference no. GCZMA/S/08-09/41/700.

B. This Hon'ble High Court be pleased to issue Writ of Mandamus or in the nature of Mandamus or any other appropriate writ, order directing Respondent to decide the show cause notice dated 07.01.2010 in a time bound manner and in any event within a period of 4 weeks.

C. Pending hearing and final disposal of the Petition, this Hon'ble Court be pleased to stay the Impugned Communicated dated 11.01.2010 passed by the GCZMA.

D. Pending hearing and final disposal of the Petition, this Hon'ble Court be pleased to grant ad interim ex-parte relief in terms of prayer Clause (III) hereinabove;

D1. This Hon'ble Court be pleased to issue a Writ of Certiorari or in nature of Certiorari or any other appropriate Writ, Order or directions to cause and set aside the Impugned Order dated 03.01.2011 passed by the GCZMA bearing reference no. GCZMA/S/08-09/41/773 whereby the permission granted to the Petitioner was cancelled/revoked.

As per order dt 4/1/2011

D2. Pending hearing and final disposal of the petition, this Hon'ble Court be pleased to stay the operation of the Impugned Order dated 03.01.2011 bearing reference no. GCZMA/S/08-09/41/773.

I, Shri Snowkon Gonsalves son of Robert Gonsalves, major of age, Indian National, residing at House No.122/1, Second Ward, Colva, Salcete Goa, the Petitioner above named do solemnly verify and state that the contents in paragraphs _____ of the above writ petition is true to my own knowledge and belief and the contents of paragraphs _____ are in nature of legal submission which I believe to be true.

Solemnly verified at Panaji on this 22nd day of September, 2010.

_____
Deponent

Identified by:

IN THE HIGH COURT OF BOMBAY AT GOA.

Writ Petition No. /2010

Shri Snowkon Gonsalves
r/o H. No. 122/1,
Second Ward,
Colva, Salcete. Goa

.... Petitioner

V/s

Goa Coastal Zone Management
Authority (through) its Member
Secretary, Saligao, Bardez, Goa .... Respondents

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Place:

Date:

Advocate for Petitioner

IN THE HIGH COURT OF BOMBAY AT GOA.

Writ Petition No. /2010

Shri Snowkon Gonsalves
r/o H. No. 122/1,
Second Ward,
Colva, Salcete, Goa

.... Petitioner

V/s

Goa Coastal Zone Management
Authority (through) its Member
Secretary, Saligao, Bardez, Goa .... Respondents

....

SYNOPSIS & CHRONOLOGY OF DATES & EVENTS

Sr. No.	Date	Particulars
1.	28.02.1975	Approval given by PWD Department and Town & Country Planning Department to Mrs. Leonardo De Loyola Furtado e Fernandes for the purpose of extension/repairs of existing structures, compound wall and well in plot A of property no. 54/4
2.	08.04.1975	Construction licence granted to Mrs. Leonardo De Loyola Furtado e Fernandes by Village Panchayat of Colva for extension of existing structure, compound wall and well.
3.	17.11.1993	Sale Deed executed by Mrs. Leonardo De Loyola Furtado e Fernandes in favour of Mrs. Piedade Filomena Gonsalves with respect to plot A, in property bearing survey no. 54/4.
4..	28.10.2008	Application for repairs and renovations of existing structures, compound wall and well made by the Petitioner to GCZMA alongwith necessary documents.
5.	17.04.2009	Approval granted by GCZMA for repairs and renovations of the existing structures after carrying out site inspection pursuant to the 40th Sub-Committee of GCZMA in property bearing survey no. 54/4-A.
6.	10.08.2009	Clarificatory letter issued by GCZMA extending the permission granted for construction of compound wall and well in property bearing survey no. 54/4-A
7.	22.09.2009	Approval granted by the Town and Country Planning Department, Margao giving no objection for repairs and renovation for the existing structure, compound and well in property bearing survey no. 54/4-A.
8.	06.01.2010	Construction granted by Village Panchayat of Colva for existing structures, compound wall and well in property bearing survey no. 54/4-A.

9.	07.01.2010	Show Cause Notice issued by GCZMA to the Petitioner.
10.	11.01.2010	Letter received by the Petitioner from GCZMA informing that the permission granted for repairs and renovation for existing structures, compound and well has been kept in abeyance till final decision is taken in the matter.
11.	20.01.2010	Letter addressed by the Petitioner to GCZMA seeking copy of the alleged complain based on which show cause notice was issued to the Petitioner.
12,	08.03.2010	Reminder sent by Petitioner to GCZMA to furnish copies of the alleged complaint pursuant to which the show cause notice was issued to the Petitioner.
13.	18.08.2010	Reply to the show cause notice furnished by the Petitioner to GCZMA
14.	11.10.2010	Order dated 11.10.2010 dismissing the petition for want of Copy of Order of Apex Court.
15.	22.10.2010	Present petition filed by this Hon'ble Court.

Place:

Date:

Advocate for Petitioner

IN THE HIGH COURT OF BOMBAY AT GOA.

Writ Petition No. /2010

Shri Snowkon Gonsalves
r/o H. No. 122/1,
Second Ward,
Colva, Salcete, Goa

.... Petitioner

V/s

Goa Coastal Zone Management
Authority (through) its Member
Secretary, Saligao, Bardez, Goa .... Respondents

....

QUESTIONS FOR DETERMINATION

&

LIST OF ACTS AND AUTHORITIES

1. Whether the Impugned Communication dated 11.01.2010 issued by the Goa Coastal Zone Management Authority keeping the permission granted for repairs and renovations in abeyance is arbitrary, illegal and perverse?
2. Whether the Impugned Communication dated 11.01.2010 issued by the Member Secretary of GCMZA without placing the same before the GCZMA Committee is without any authority and hence liable to be quashed and set aside?
3. Whether grave prejudice is caused to the Petitioner in as much as no documents have been furnished till date of the alleged complaint based on which show cause notice has been issued to the Petitioner and the granted permission has been kept in abeyance?
4. Whether the Petitioner is entitled for a direction against the GCZMA to conduct the enquiry in a time bound manner?

LIST OF ACTS & AUTHORITIES:

1) CRZ Regulations, 1991
2) Constitution of India
3) Such other acts with the leave of the Court

AUTHORITIES:

1) Nil at the moment.

IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No. /2010

IN THE MATTER OF ARTICLE 226 OF THE CONSTITUTION OF INDIA

AND

IN THE MATTER OF COASTAL REGULATION ZONE NOTIFICATION, 1991

AND

IN THE MATTER OF ARTCILE 21 OF THE CONSTITUTION OF INDIA

AND

IN THE MATTER OF ORDER DATED 11.01.2010 PASSED BY GOA COASTAL ZONE MANAGEMENT AUTHORITY KEEPING THE PERMISSION FOR CONSTRUCTION IN ABEYANCE.

Shri Snowkon Gonsalves
r/o H. No. 122/1,
Second Ward,
Colva, Salcete, Goa

V/s .... Petitioner

(1) Goa Coastal Zone Management Authority (through) its Member Secretary, Saligao, Bardez, Goa .... Respondents

(2) Goa Foundation (Through Claude Alvares)

(The above are the registered address of the parties)

TO,
THE HON'BLE CHIEF JUSTICE &
COMPANION JUDGES, BOMBAY
HIGH COURT AT PANAJI GOA

THIS HUMBLE PETITION OF THE PETITIONER MOST RESPECTFULLY SHEWETH:

1. The Petition is a citizen of India and resident of the above mentioned address as shown in the cause title.
2. The Respondent is the authority under the Goa Coastal Zone Regulations, 1991.

3. The Petitioner has approached this Hon'ble Court being aggrieved by the Order passed by GCZMA (Respondent) whereby the repairs and renovation licence granted to the Petitioner has been kept in abeyance by the Respondent Authority.

4. The Petitioner is the owner in possession of property bearing survey no. 54/4-A situated within the village of Colva by virtue of will executed by late Smt. Filomina Gonsalves hereinafter referred to as the "said property" for the sake of brevity and the name of the Petitioner is recorded in the occupant column of form I and XIV of the said property. *(Annexed hereto is the copy of Form I and XIV alongwith the survey plan and copy of will, marked as Exhibit 'A' Colly).*

5. The Petitioner states that the said property was purchased by Smt. Piedade Filomena Gonsalves, who is the mother of the Petitioner in the year 1993 by way of Deed of Sale executed by Mrs. Leonara De Loyola Furtado e Fernandes, the original owner of the property before the Sub-Registrar of Salcete on 17.11.1993. *(Annexed hereto is a copy of Deed of Sale and marked as Exhibit 'B'.*

6. The Petitioner states that the said property was purchased by said Smt. Piedade Filomena Gonsalves pursuant to the Agreement of Sale executed on 08.04.1983 and the said property was purchased alongwith existing structures which existed since 1975 for which construction licence was granted by the Village Panchayat of Colva vide construction licence no. 18/75 daed 08.04.1975 to her predecessor in title. Mrs. Leonara De Loyola Furtado e Fernandes. *(Annexed hereto is a copy of Construction Licence granted by Village Panchayat of Colva and marked as Exhibit 'C').*

7. The Petitioner states that the said construction licence was granted by Village Panchayat of Colva in terms of Resolution No. 34 taken in the panchayat meeting on 06.04.1975 for the purpose of construction/extension of the existing house, construction of the compound wall and a well at third ward, Colva as per the approval of Town & Country Planning Committee bearing ref no. DJ/1506/3173/74-75. *(Annexed hereto are the copies of approval and marked as Exhibit 'D').*

8. The Petitioner states that the said construction licence was issued by the Village Panchayat subsequent to getting approval from the Town and Country Planning Department vide letter dated 14.03.1975 and NOC from the PWD Department vide letter dated 28.02.1975. *(Annexed hereto are the copies of the approvals and marked as Exhibit 'E' Colly.)*

9. The Petitioner had moved an application dated 28.10.2008 to the Respondent seeking permission for repairs and renovations of the structures, compound wall and well situated in the said property. The Petitioner also furnished necessary documents to prove the existence of the structure prior to CRZ Regulation enforcement, 1991 alongwith the survey records while submitting the application to GCZMA. *(Annexed hereto is the copy of the application and marked as Exhibit 'F').*

10. The Petitioner states that the Respondent Authority conducted site inspection of the said property and after examining the petitioner's case in the 40th GCZMA Sub-Committee meeting, held on 20.01.2009, granted approval for repairs and renovations of the existing structures in survey no. 54/4-A of Colva Village, Salcete Taluka not exceeding existing FSI, existing plinth area and existing density, subject to confirmation with local building bye laws. *(Annexed hereto is the copy of Approval dated 17.04.2009 and marked as Exhibit 'G')*

11. The Petitioner states that vide letter bearing reference no. GCZMA/S/08-09/41/310 dated 10.08.2009, the Respondent further clarified that the approval should be read as *"Approval is hereby granted only for repairs and renovations of the existing structure, compound wall and well in Survey No. 54/4-A in Colva Village, Salate Taluka,"* thereby extending the permission of repairs and renovations even to the compound wall and the well in the said property. *(Annexed hereto is the copy of letter dated 10.08.2009 and marked as Exhibit 'H').*

12. The Petitioner states that based on the approval granted by the GCZMA, the Village Panchayat of Colva was pleased to grant construction licence no. VP/SVCG/CONST-65/2009-10/2130 dated 06.01.2010 for the proposed repairs and renovation of the existing structure, compound wall and well in property bearing survey no. 54/4-A of Colva village. *(Annexed hereto is the copy of the construction licence issued by the Village Panchayat of Colva and marked as Exhibit 'I').*

13. The Petitioner states that even the office of Senior Town Planner, Town and Country Planning Department, South Goa District vide its letter dated 22.09.2009 bearing reference no. TPM/CONST/COLVA/54/4A/09/52/3 has granted no objection for repairs and renovation of the said existing structure, compound wall and the well. *(Annexed hereto is the copy of Approval letter and marked as Exhibit 'J').*

14. The Petitioner states that the Petitioner was shocked to receive a show cause notice under Section 5 of the Environment (Protection) Act, 1986

from Respondent bearing reference no. GCZMA/S/08-09/41/695 dated 07.01.2010 whereby the Petitioner was directed to file a reply pertaining to allegations made by some person that the Hon'ble High Court of Bombay vide its Judgment and Order dated 02.03.2000 in Writ Petition No. 76/95 and 237/99 had directed Mrs. Piedade Filomena Gonsalves to demolish the structures erected, and the civil appeal filed challenging the Order passed by the High Court were dismissed by the Supreme Court vide its Order dated 11.03.2004.

15. The Petitioner was also called upon by the Respondent to show cause as to why the permission granted should not cancelled and withdrawn and appropriate proceedings under law be initiated against the Petitioner for misleading the Respondent authority. *(Annexed hereto is the copy of show cause notice and marked as Exhibit 'K').*

16. The Petitioner states that immediately after the receipt of the show cause notice another letter was addressed to the Petitioner bearing reference no. GCZMA/S/08-09/41/700 dated 11.01.2010 whereby the Petitioner was intimated that the Respondent authority has decided to keep the permission granted vide office letters "GZCMA/S/08-09/41/70 dated 17.04.2009 and GCZMA/S/08-09/41/164 dated 12.06.2009 and GCZMA/S/08-09/41/165 dated 12.06.2009) were held in abeyance till the matter is decided by the authority. *(Annexed hereto is the copy of letter and marked as Exhibit 'L')* hereinafter referred to as the *"Impugned Communication".*

17. The Petitioner states that immediately upon receipt of the Order dated 11.01.2010, the Petitioner addressed the letter to the Respondent Authority seeking for the copy of the complaint on the basis of which the Respondent Authority had issued show cause notice in order to effectively reply/answer the show cause notice dated 07.01.2010 issued by Respondent. *(Annexed hereto is the copy of letter dated 20.01.2010 addressed by the Petitioner to Respondent and marked as Exhibit 'M').*

18. The Petitioner states that yet another reminder was sent to the Respondent on 08.03.2010 requesting for documents to enable the petitioner to effectively reply to the show cause notice of 11.01.2010. *(Annexed hereto is the copy of letter dated 08.03.2010 and marked as Exhibit 'N').*

19. The Petitioner states that despite repeated oral requests and paying personal visits to the Office of Respondent till date neither any reply to the letter has been furnished nor copy of the complaint has been issued to the Petitioner.

20. The Petitioner states that without despite the aforesaid fact, the Petitioner filed detailed reply before the Respondent giving detailed explanation pertaining to existence of the structures in survey no. 54/4-A in Colva village alongwith copies of supporting documents to show legality of the existing structures before enforcement of CRZ Regulations i.e. 19.02.1991. *(Annexed hereto is the copy of reply of the Petitioner dated 18/8/2010 and marked as Exhibit 'O').*

21. The Petitioner states that in the aforesaid reply it is also clarified that the subject matter before the GCZMA for which repairs and renovations were granted was not the structure which was directed to be demolished by this Hon'ble Court vide its Judgment and Order dated 02.03.2000 in Writ Petition No. 76/1995 in as much as the subject matter of the said Writ Petition was a building which was constructed between 13.07.1994 and completed on 17.08.1994.

22. The Petitioner states that even otherwise in Writ Petition No. 236/2010 filed by Goa Foundation seeking enforcement of Order dated 02.03.2000, the Village Panchayat Colva has placed before this Hon'ble Court, letter received from the parties, permissions and approvals granted which clearly show that the subject matter for which repairs and renovations was sought for from GCZMA was with respect to the structures constructed in the year 1975 and the structure which was directed to be demolished vide Order dated 02.03.2000 has already been compiled by the Petitioner's mother.

23. The Petitioner seeks to rely upon letter dated 30.11.2004 received from Piedade Filomena Gonsalves and letter dated 09.03.2006 received from Filomena Piedade Serrao wife of Mr. Felix Menino Jesus Serrao, Petitioner in Writ Petition No. 76/1995 stating therein compliance in full satisfaction of the Orders passed by this Hon'ble Court in Writ Petition No. 76/1995 and Writ Petition 237/1999. *(Annexure hereto is the copies of above letters marked as Exhibit 'P' Colly).*

24. The Petitioner states that in addition to the above, the Village Panchayat of Colva was directed by this Hon'ble Court in Suo Motto Writ Petition 2/2006 to identify the structure constructed within 200 meters of HTL after the enforcement of CRZ Regulations, 1991.

25. The Petitioner states that show cause notice was issued to late Piedade Filomina Gonsalves with respect to structures situated in survey no. 51/2, 51/1 and 54/4 by the Village Panchayat of Colva vide letter dated 10.04.2008 bearing reference no. VP/SVCG/149/08-09/ for which reply

was furnished by my mother vide letter dated 29.04.2008. After considering the reply and after giving opportunity of personal hearing, the Village Panchayat in its meeting held on 15.06.2009, unanimously resolved to withdraw the show cause notice given to said Piedade Filomena Gonsalves alongwith other persons who had produced documentary evidence in support of the legality of the respective structures.

26. The Petitioner states that under the reply dated 29.04.2008, the Village Panchayat of Colva was also informed that Piedade Filomena Gonsalves is the owner of the property bearing survey no. 54/4-A which is originally a part of larger property surveyed under Survey No. 54/4 of Village Colva and her property was partitioned and allotted separate survey no. 54/4-A. *(Annexed hereto is the copy of the reply and marked as Exhibit 'Q')*

27. The Petitioner states that pursuant to the letter dated 11.01.2010 issued by the Respondent, the Village Panchayat also issued letter bearing reference no. VP/SVCG/2495/2009-10 dated 04.03.2010 directing the Petitioner to show cause why the Construction Licence should not be revoked and also further directions not to proceed with the repairs and renovations of the existing structures based on construction licence no. VP/SVCG/CONST/65/2009-10/2130 dated 06.01.2010. The Petitioner also submitted his letter to the Village Panchayat vide letter dated 09.04.2010 *(Annexed hereto is the copy of letter marked as Exhibit 'R' Colly).*

28. Being aggrieved by the Impugned Communication, the Petitioner had approached this Hon'ble Court by way of Writ Petition No.679 of 2010 and the same was dismissed with liberty to file petition along with copies of the Orders referred in the Impugned Communication.
Annexed hereto is the copy of the Order dated 11th October,2010 passed in WP No. 679 of 2010 and marked as Exhibit 'S'.

29. The Petitioner is enclosing the copies of the Orders passed by this Hon'ble Court in W.P. No. 76/1995 and 237/1999 dated 02.03.2000 and the Judgment of the Apex Court in Civil Appeal No. 960 & 961 of 2002 dated 11.03.2004. **Annexed hereto are the copies of Orders passed by this Hon'ble Court and the Apex Court and marked as Exhibit 'T' Colly.**

30. The Petitioner states that despite giving replies to the show cause notice issued to the Petitioner by the Respondent Authority no action what so ever has been taken by Respondent to conduct further hearing in the matter pursuant to the show cause notice while at the same time keeping

the permission for repairs and renovations granted to the Petitioner in abeyance since 11.01.2010.

31. Being aggrieved by the Impugned Communication dated 11.01.2010 bearing reference no. GCZMA/S/08-09/41/700 the Petitioner begs to prefer the present Writ Petition on following amongst grounds which are urged in the alternate without prejudice to one other:-

GROUNDS

I. The Petitioner submits that the Impugned Communication directing that the permission of repairs and renovation of property bearing survey nio. 54/4-A of Colva Village is kept in abeyance is illegal and perverse and is liable to be quashed and set aside.

II. The Petitioner states that by way of Impugned Communication the Respondent Authority has pre-judged the issue without even giving opportunity to the Petitioner to show cause before keeping the permission in abeyance.

III. The Petitioner states that the Respondent has no powers to review its own decision after having already issued the proposed permission for repairs and renovations after applying its mind to the materials placed before it by the Petitioner at the time of issuing the permissions.

IV. The Petitioner states that the Respondent Authority has acted in a bias manner by accepting the allegations made by some (undisclosed) persons without giving the opportunity to the Petitioner to present his case.

V. The Petitioner states that even otherwise the Impugned Communication dated 11.01.2010 does not show that the matter was placed before the GCZMA Sub Committee before issuing the letter dated 11.01.2010.

VI. The Petitioner submits that even otherwise great prejudice is caused to the Petitioner in as much as till date the so called public complaint has not been furnished to the Petitioner.

VII. The Petitioner states that even after the Impugned Communication issued on 11.01.2010 and the reply having been filed before the Respondent Authority, no date has

been fixed for hearing in order to culminate the proceedings arising out of the show cause notice.

VIII. The Petitioner states that even otherwise pursuant to the directions issued by this Hon'ble Court in Suo Motto Writ Petition 2/2006 the Village Panchayat of Colva had withdrawn the Show Cause Notice after being satisfied about the existence of the structures in survey no. 54/4-A being prior to enforcement of CRZ Regulations, 1991.

IX. The Petitioner states that Impugned Communication dated 11.01.2010 is in violation of Principles of Natural Justice and hence is liable to be quashed and set aside.

X. Such other and further grounds that may be urged at the time of the arguments.

32. The Petitioner, under the circumstances is entitled for Writ of Certiorari or a Writ in the nature of Certiorari or another appropriate Writ, Order or Direction, quashing and setting aside the Impugned Communicated dated 11.01.2010 passed by the GCZMA (Respondent).

33. The Petitioner is also entitled for Writ of Mandamus directing Respondent to decide the show cause notice dated 07.01.2010 as expeditiously as possible and in any event within a period of 4 weeks from the date of filing of petition.

34. The Petitioner submits that during the pendency and final disposal of the Petition this Hon'ble High Court be pleased to stay the Impugned Communication dated 11.01.2010 issued by Respondent.

35. The Petitioner has not filed any other Petition either in this Hon'ble Court or in the Hon'ble Supreme Court of India regarding the subject matter of this Petition.

36. The Petitioner has got no other alternative and/or efficacious legal remedies available and if the relief prayed herein are granted they will be complete in themselves.

37. The Petitioner resides in Goa. The Respondents also have their offices in Goa. The cause of action has also arisen within the territorial jurisdiction of this Hon'ble court. This Hon'ble Court has jurisdiction to hear and decide this Petition. Necessary court fee is affixed herein.

38. The Petitioner, therefore, prays as under:

PRAYERS

(9)

Prayer

A. This Hon'ble High Court be pleased to issue Writ of Certiorari or in the nature of Certiorari or any other appropriate writ, order or directions to quash and set aside the Impugned Communication dated 11.01.2010 passed by GCZMA bearing reference no. GCZMA/S/08-09/41/700.

B. This Hon'ble High Court be pleased to issue Writ of Mandamus or in the nature of Mandamus or any other appropriate writ, order directing Respondent to decide the show cause notice dated 07.01.2010 in a time bound manner and in any event within a period of 4 weeks. / Matter is decided

C. Pending hearing and final disposal of the Petition, this Hon'ble Court be pleased to stay the Impugned Communicated dated 11.01.2010 passed by the GCZMA.

D. Pending hearing and final disposal of the Petition, this Hon'ble Court be pleased to grant ad interim ex-parte relief in terms of prayer Clause (III) hereinabove; ?

E. For such other and further relief that this Hon'ble Court deems fit and proper.

Place: -Panaji-Goa.
Dated: -

Adv for the Petitioner

VERIFICATION

I, Shri Snowkon Gonsalves son of Robert Gonsalves major of age, Indian National, residing at House No.122/1, Second Ward, Colva, Salcete Goa, the Petitioner above named do solemnly verify and state that the contents in paragraphs _____ of the above writ petition is true to my own knowledge and belief and the contents of paragraphs _____ are in nature of legal submission which I believe to be true.

Solemnly verified at Panaji on this 22nd day of September, 2010.

Deponent

Identified by:

10

Exhibit A" Colly

FORM I & XIV

नमुना नं. १ व १४

Page 1 of 1

Date : 19/1/2010

Taluka तालुका : Salcete

Village गांव : COLVA

Survey No. सर्वे नंबर : 54

Sub Div No. हिस्सा नंबर : 4-A

Name of the Field शेताचे नांव : Metade de Prais em Seis Lances

Tenure सत्ता प्रकार :

Cultivable Area (Ha.Ars.Sq.Mtrs) लागवण क्षेत्र (हे.आर.चौ.मी.)

Dry Crop जिरायत	Garden बागायत	Rice तरी	Khajan खाजण	Ker कोर	Morod मोरड	Total cultivable area एकूण लागवण क्षेत्र
0000.00.00	0000.13.85	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.13.85

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक क्षेत्र (हे.आर.चौ.मी.)

Pot-Kharab पोट खराब

Class (a) वर्ग (अ)	Class (b) वर्ग (ब)	Total Un-Cultivable एकूण नापिक जमीन	Grand Total एकूण	Remarks शेरा
0000.03.92	0000.00.05	0000.03.97	0000.17.82	

Assessment : आकार Rs 0.00 Fero फेरो Rs 0.00 Pratial प्रेदियाल Rs 0.00 Total एकूण Rs 0.00

S.No.	Name of the Occupant कब्जेदाराचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार न.	Remarks शेरा
1	Snowkon Willy Maison Gonsalves		33642	

S.No.	Name of the Tenant कुळाचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार न.	Remarks शेरा
1	NIL			

Other Rights - इतर हक्क

Name of Person holding rights and nature of rights: इतर हक्क धारण करणा-यांचे नांव व हक्काचा प्रकार | Mutation No. फेरफार न | Remarks शेरा

NIL

Details of Cropped Area पिकाखालील क्षेत्राचा तपशील

Year वर्ष	Name of the Cultivator लागवण करणा-यांचे नांव	Mode रीत	Season of Crop मोसम	पिकाचे नांव	Irrigated बागायत Ha.Ars.Sq.Mtrs हे.आर.चौ.मी	Land not Assessed for source of cultivation सदर लागवण साधनाकरिता आकार न आकारलेली जमीन Ha.Ars.Sq.Mtrs हे.आर.चौ.मी	Unirrigated जिरायत Ha.Ars.Sq.Mtrs हे.आर.चौ.मी	Remarks शेरा
	NIL							

End of Report

For any further inquires, please contact the Mamlatdar of the concerned Taluka

MAMLATDAR OF SALCETE

19/1/2010

COMPUTERISED CERTIFIED COPY

Copy applied for by as on 19/1/2010

Copy ready on 19/1/2010

Copy delivered on 19/1/2010

Total Fees received Rs 10/-

Receipt No. 666/34

ANX-Z5

GOVERNMENT OF GOA

Directorate of Settlement and Land Records

Margao Goa

N

Plan showing plots situated at

Colva Village

Salcete Taluka

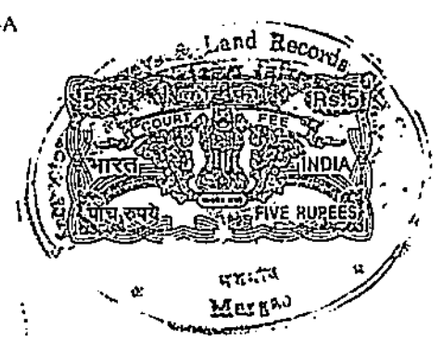
S.No./Sub Div No. 54 / 4-A

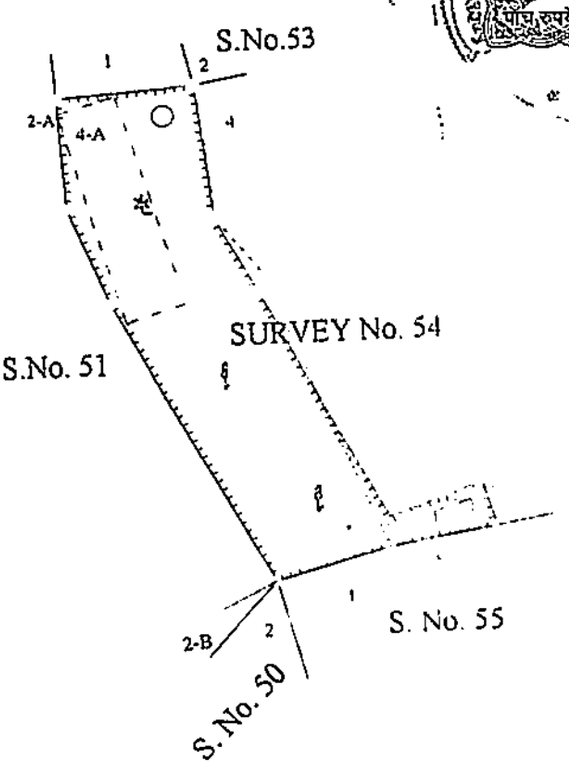
Scale 1:1000

8/6/09

I. S & L. R.

Land Records





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On 09-06-2009

Compared by

9/6/2009

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TRUE XEROX COPY

Public write

Tenth day of the month of April in the year two thousand and Seven in the judicial division of Salcete City of margao and in the notarial office functioning on the second floor of the Commercial Complex Block D, 849 of margao market, before me Chandrakant Pissurlekar, notary Public Ex-officio of the same judicial division and before these fit and reliable witnesses known to me and who shall sign at the end these appeared as Testatrix Piedade Filomena Abiona Gonsalves alias Filomena Gonsalves, alias Piedade Filomena Abiona Rebello e Gonsalves alias Filomena Rebelo, aged sixty five years, married to Robert Francisco Xavier Gonsalves, residing at H.No. 242/1, 3rd ward Colva Salcete Goa, persons whose identity I certify on the assurance given to me by the said witnesses I, the said notary Ex-officio and the said witnesses ascertained that the Testatrix is in her perfect senses and sound disposing mind free from any coercion, suggestion or undue influence from whomsoever which I hereby attest and certify And in the presence of the said witnesses the Testatrix stated before me clearly and lengthly as follows: that the Testatrix alongwith her husband Mr Robert Francisco Xavier Gonsalves give consent to each other by deed of Consent dated today recorded in Deed Book no 1505 at page 180 that the Testatrix was married to Robert Francisco Xavier Gonsalves out of said marriage the Testatrix have four children namely (one) Shawkon wife Maureen Gonsalves married residing at 2nd ward Colva Salcete Goa (two) Sukiyaki Margis Gonsalves Silvia married

GRAZIA & CO. SUREKA PLOT LE CAR SALCETE TALUKA REGD. NO. 137 GOVT. OF GOA (INDIA)

residing at Margao Hill Vasco da Gama Goa.
(three) Marilyn Alvita Eulalia Gonsalves Pinto,
married, residing at Pailona, Salvador do Mundo,
Bardez Goa and (four) Lincoln Anthony Gonsalves, bachelor re-
siding in Australia. That due to her advance age the Testatrix
is anxious to make necessary arrangements for all her inheritors
in regard to the enjoyment of her assets after her demise, it is
stated that all the assets the Testatrix and her husband have
themselves acquired and were not inherited by them from their
ancestors all the properties of the Testatrix and her husband
have been bought and acquired upon her marriage with her
husband from the income generated by both of them, to the
exception of property surveyed under no. sixty four sub-division
twenty eight (64/28) which was inherited from Nicolau Anselmo
Valente Rebello who was the grandfather of the Testatrix. The Testa-
trix further stated that the sole purpose of drawing this
testament is to stress upon the need that nobody including
her own children should contest her decision and the deci-
sion of her husband after their demise, which will be legally
binding on all interested parties so to avoid unnecessary
misunderstandings and consequences of wasteful litigations.
The Testatrix stated that her two daughters namely Drazilla
and Marilyn at the time of their marriage, after assessing
the value of assets, it was decided to distribute their share
of inheritance in a few months as such each one of her two
daughters were given Cash, Gold Jewellery, Maruti-800 Car,
Motorcycle, clothes and Garments at the time of their marriage
husband had paid all the wedding expenses of both her daughters

fifty one Sub division two (51/2) A and B these properties are partially developed with a building with rooms and enclosed with the Compound wall having no two hundred ninety three Sub division three (293/3) and some trees ii) Properties surveyed under no forty nine Sub-division four (49/4) and forty nine Sub-division five (49/5) with Coconut plantations iii & iv) Properties surveyed under no Thirty four Sub-division thirty five (35/35) thirty five Sub-division thirty six (35/36) thirty five Sub-division thirty seven (35/37) thirty five Sub-division thirty two (35/32) and thirty five Sub-division fifteen (35/15) part admeasuring an area of four hundred seventy eight (478) sq mts. All the said properties are situated in the Village of Colvale Tehsil & Taluka. To her youngest son Lincoln Anthony Gomes will jointly inherit the following described properties by the stipulated survey numbers, with all the plantations and whatever structures or buildings that exist at present (a) Property surveyed under no forty four Sub-division twenty eight (64/28) forty four Sub-division twenty seven (64/27) forty four Sub-division thirty seven (64/37) and forty four Sub-division thirty eight (64/38) with a residential house in it registered in the name of Tehsil, bearing H no 242/1(6) Properties surveyed under no eighty three Sub division twelve (83/12) and eighty three Sub-division fourteen (83/14) with all the trees existing thereon. Further, it is stated that in the event of her sons either or both predecease the Testatrix, then their legal heirs, shall be the inheritors and heirs of our estate as distributed and described above in their respected names without

Mrs Lobo Braz stated that in her opinion the cost and value of the assets would cover the four shares of three inheritors (they would entitle at the time of their marriage, the Testatrix is of the opinion that both her daughters would understand and share her opinion without any reservations, since it was explained to them that they would not be entitled to any share in the remaining assets of the Testatrix under her will. The Testatrix has further stated that her two sons namely Shawkon and Malcolm will be the sole inheritors of all her estate as stipulated below, with the respective survey numbers of their properties as assigned against their names. To her eldest son Shawkon willy Mason Gonsalves will solely inherit the following properties as identified by their survey numbers, with all the plantations and whatever structures or buildings that exist in it on a as is where is basis (a) Properties surveyed under no. one hundred ten sub-division five (110/5) and one hundred ten sub-division eight (110/8) where the plot is developed with a residential house and an out-house described in tax records as house no. 122/1 and 122/1A respectively; where he is staying at present with his family (b) Properties surveyed under no. thirty six sub-division one (36/1) thirty six sub-division one (36/1A) thirty seven sub-division twelve (37/12) and thirty seven sub-division two (37/2-B) (originally part of survey no. thirty seven sub-division two (37/2) These properties consist of a registered hotel named 'Sky Luck Resort' for accommodations, Bar and Restaurant with swimming pool, three shops and other facilities (c) Properties surveyed under no. fifty four sub-division four-A (54/4-A) and

A.R.V.
LOTLECAR
CETE
UKA
No. 147
GOA (INDIA)

(16)

Book No. 94
Deed - 2022
Vol. 2022
Fol. 13 to
Fol. 022

any credit from whatsoever sources I get in this manner the
Testatrix stated and concluded the disposition of her last
and being her last testament which I hereby attest and C
The witnesses present whose fitness to this act I verified we
Shri Menino Shanker Mendonca, aged twenty six years, resident
& Shri Antonio Menino Fernandes, major, bachelor residents Benau
and Shri Anthony Gracias, major, bachelor resident of Curchorem
who are signing this will alongwith the Testatrix and m
me the notary Ex-officio after this will having been rea
aloud by me in the simultaneous presence all and by
all found it as per the wishes of the Testatrix. I informed
Testatrix that the law permits her to read this will p
sonally and she read it and found it to be correct All the
legal formalities were performed continuously and without
this will bears notarial stamps & rupees twenty only bein
avoid = Intimation = The = Cancellation (478)

Liedade Filomena Fabiana Gonsalves
MENINO Shanker Mendonca
Antonio Menino Fernandes
Anthony Gracias

Witnesses

Notary Ex-Officio

Public will

P. LOTLEKAR
SALCETE TALUKA
REGD. No. 147
GOVT. OF GOA (INDIA)

4

TYPED COPY

PUBLIC WILL

On this tenth day of the month of April in the year two thousand seven in this Judicial Division of Salcete City of Margao and in the notorial office functioning on the second floor of Osia Commercial Complex Block 'D' SGPDA Market, before me Shri Chandrakanat Pissurlkar notary Public Ex-Offico of the some judicial division and before three fit and reliable witnesses known to me and "shall sign at the end the appeared as " Testatrix" Piedade Filomena Abiana Gonsalves alias Filomena Gonsalves, alias Piedade Filomena Abiana Rebello e Gonsalves alias Filomena Rebello, aged sixty five years, married to Roberto Francisco Xavier Gonsalves, residing at H. No. 242/1, 3rd Ward, Colva Salcete Goa, persons whose identity I certify on the assurance given to me by the said witnesses. I, the said Notary Ex-officio and the said witnesses ascertained that the Testatrix is in her perfect sense and sound state of mind free from any coercion suggestions or undue influence from whomsoever which I hereby attest and certify. And in the presence of the said witnesses, the Testatrix stated before me clearly and lengthily as follows: that the Testatrix alongwith her husband Mr. Roberto Francisco Xavier Gonsalves give consent to each other by deed of consent dated today recorded in Deed Book No. 1505 at pages 1800. That the Testatrix was married to Robert Francisco Xavier Gonsalves, out of said marriage the Testatrix have four children namely (one) Snowkon Willy Marsan Gonsalves married residing at 2nd Ward Colva Salcete, Goa (two) Drozilla Sukayaki Nargis Gonsalves Silveira married residing at Mangor Hill, Vasco da Gama Goa (three) Macklyn Alvita Eulalia Gonsalves Pinto, married, residing at Paitona, Salvador do Mundo, Bardez, Goa and (four) Lincoln Anthony Gonsalves, bachelor residing in Australia. That due to her advance age the Testatrix is anxious to make necessary arrangements for all her inheritance as regard to the enjoyment of her assets after her demise, it is stated that all the assets the Testatrix and her husband have are self acquired and were not inherited by them from their ancestors, all the properties of the Testatrix and her husband have been bought and acquired upon her marriage with her husband from the income generated by both of them, to the exception of property surveyed under no. sixty four sub-division twenty eight (64/28) which was inherited from the late Anselmo Valento Rebello who was the grandfather of the Testatrix. The Testatrix further stated that the sole purpose of drawing this testament is to stress upon the need that nobody, including her four children should context her decision and the decision of her husband after their

demise, which will be legally binding on all interested parties, so to avoid unnecessary mis-understanding and consequences of wasteful litigations. The Testatrix stated that her two daughters namely Drozilla and Macklyn at the time of their marriage after assessing the value of assets, it was decided to distribute their share of inheritance in a fair manner as such each one of her two daughters are given cash, gold jewellery, Maruti-800 car, motor-cycle, clothes and garments at the time of their marriage and paid all the wedding expenses of both her daughters.

The Testatrix stated that in her opinion the cost and value of her assets would cover the fair share of their inheritance they would entitle at the time of their marriages, the Testatrix is of the opinion that both her daughters would understand and share her opinion without any reservations, since it was explained to them that they would not be entitled to any share in the remaining assets of the Testatrix and her husband the Testatrix has further stated that her two sons namely Snowkon and Lincoln will be sole inheritors of all her estate as stipulated below, with the respective survey numbers of the properties as assigned against their names. To her eldest son Snowkon Willy Marsan Gonsalves will solely inherit the following properties as identified by their Survey numbers, with all the plantations and, whatever structure or building that exist in it on a `as is where is basis' (a) properties surveyed under One Hundred Ten Sub-division Five (110/5) and One Hundred Ten Sub-division eight (110/8) where the plot is developed with a residential house and an out-house described in tax records on houses no. 122/1 and 122/1A respectively, where he is staying at present with his family (b) Properties surveyed under no. thirty six sub-division one (36/1), thirty six sub-division one (36/1 A), thirty seven sub-division twelve (37/12) and thirty seven sub-division two (37/2 B) [originally part of survey no. thirty seven sub-division two (37/2)]. These properties consist of registered hotel named `Sky Lark Resort' for accommodations, Bar and Restaurant with swimming pool, three shops and other facilities (c) Properties surveyed under no. fifty four sub-division four A (54/4-A) and fifty one sub-division two (51/2) A and B. These properties are partially developed with building with rooms and enclosed with the compound wall bearing no. two hundred ninety three sub-division three (293/3) and some trees (d) Properties surveyed under no. forty nine sub-division four (49/4) and forty nine sub-division five (49/5) with coconut plantations in it (e) Properties surveyed under no. thirty five sub-division thirty five (35/35) part, admeasuring an area of four hundred seventy eight (478) sq. mts. All the said properties are situated in the village of Colva in Salcete Taluka to her youngest son Lincoln

Anthony Gonsalves will solely inherit the following described properties by their stipulated survey numbers, with all the plantations and whatever structures or buildings that exist at present (a) Property surveyed under no. Sixty Four sub-division twenty eight (64/28) sixty four sub-division twenty seven (64/27) sixty four sub-division thirty seven (64/37) and forty four sub-division thirty eight (64/38) with a residential house in at registered in the name of Testatrix, bearing house no. 242/1 (b) Properties surveyed under no. eighty three sub-division twelve (83/12) and eighty three sub-division fourteen (83/14) with all the trees existing thereon. Further, it is stated that in the event of her sons either or both, predecease the Testatrix, then their legal heirs, shall be the inheritors and heirs of our estates as distributed and described above in their respected names, without any claim from whatsoever sources it is in this manner. The Testatrix states and concluded the disposition of her last will and being her last testament which is hereby attested and certify the witnesses present whose fitness to this act I verified were Shri Menino Shanker Mendonca, aged twenty five years, resident of Colva, Shri Antonio Menino Fernandes, major, bachelor, resident of Benaulim and Shri Anthony Gracias, major, bachelor, resident of Cuncolim who are signing this will alongwith the Testatrix and with me the notary ex-officio after this will having been read aloud by me in the simultaneous presence of all and by all found it as per the wishes of the Testatrix . I informed the Testatrix that the law permits her to read this will personally and she read it and found to be correct. All these legal formalities were performed continuously and uninterruptedly. This will bears notorial stamps of rupees twenty only.`Correction avoid = Interlineations in the = Correction (=478)

Sd/- Piedade Filomena Abiana Gonsalves

Sd/- Menino Shanker Mendonca

Sd/- Anthony Menino Fernandes

Sd/- Anthony Gracias

Signature of Noratry Ex-Officio on 4 Stamps of Rs. 5 each

Public Will

xxxxxxxxxxxxxxxxxxxxxx

"B" Cally

Exh

(18)

भारतीय गैर न्यायिक

बीस रुपये

Rs.20

रु.20

TWENTY RUPEES

INDIA

INDIA NON JUDICIAL

गोवा GOA

02AA 326659

Sr. No. 2046 Place of vendor: Margao. Date: 28/1/10

Vendor's Name: Antonio J. De Abreu

Licence No: JUD/VEN-LIC/2007/AC-I/436

Purchaser's Name: S. Couvalu

Resident of: Colva Father's Name: Lobo.

Purpose ---------- Transacting Parties: ----------

Total value of the stamp paper: 20/-

Signature of the Stamp Vendor

Signature of the Purchaser

SUB-REGISTRAR SALCETE

OFFICE OF THE CIVIL REGISTRAR-CUM-SUB-REGISTRAR
MARGAO SALCETE GOA

Certified that this is the true Xerox copy of Deed of Sale dated 6-8-1993 duly registered in this office under Registration No. 2078 at pages 537 to 548 of Book No.I, Volume No. 317 dated 17-11-93

Receipt No. 421 Margao Dated 29/1/2010

SEAL OF THE SUB-REGISTRAR OF SALCETE MARGAO

(Chandrakant Pissurlekar)
Civil Registrar-Cum-Sub-Registrar,
Salcete Margao Goa

SUB-REGISTRAR SALCETE

To,
Shawcon Builders
Nuvem, Salcete

A document no 5344/93 Book-I 537.
Pages 5 sheets

SUB-REGISTRAR
MARGAO

19

SUB-REGISTRAR
SALCETE

1461

3 Fees
11-00

6 8 1983

1920 =00
60 =00
3 =00
1983 =00

Sd/- Piedade Filomena Abiana Gonsalves

Sd/- S.A.L. Rodrigues

Sd/- S.A.L. Rodrigues
SUB-REGISTRAR
MARGAO

TRUE COPY

DEED OF SALE

THIS DEED OF SALE is made in the City of Margao, Goa, on this SIXTH day of the month of AUGUST in the Christian Year One Thousand Nine Hundred and NINETY THREE;

BETWEEN 2 Mrs- DONA ANGELA CAETANA LEONOR CAROLINA GABRIELA DE LOYOLA FURTADO alias DONA LEONOR DE LOIOLA FURTADO E FERNANDES, of 84 years of age, widow of late Martinho Antonio Fernandes, landowner, Indian National, residing at Near Railway Gate, Margao, Goa, (hereinafter for brevity's sake called the "VENDOR" which expression shall unless repugnant to the context or meaning thereof be deemed to include their heirs, executors, administrators and assigns) of the ONE PART; AND PIEDADE FILOMENA ABIANA GONSALVES, daughter of Menino Nicolau Rebelo, 51 years of age, married, to ROBERTO FRANCISCO XAVIER

Piedade Filomena Abiana Gonsalves

(90) (38)

GONSALVES, Indian 3 National, housewife, residing at 3rd ward, Colva, Salcete, Goa, (hereinafter for brevity's sake called the " PURCHASER " which expression shall unless repugnant to the context or meaning thereof be deemed to include her heirs, executors, administrators and assigns) of the OTHER PART. WHEREAS the VENDOR is the exclusive owner of a property named as " METADE DE PRAIAS EM SEIS LANSES " situated at Colva of Salcete Taluka, surveyed under No. 54/4 of Colva Village, more particularly described in SCHEDULE "A" hereunder. 4 AND WHEREAS the said property named as " METADE DE PRAIAS EM SEIS LANSES " is crossed by a road in the direction of North to South, by which road the said property is divided into two portions, designated as Eastern Portion and Western Portion. The said Western portion forming a distinct and independent property by itself is described in SCHEDULE "B" hereunder. AND WHEREAS the VENDOR for the purpose of sale have sub-divided the said Western Portion into three (3) plots designated as PLOT A, A-1 and A-2, reserving an access road of 4 metres width between the PLOTS A-1 and A-2, which road 5 or access shall be exclusively used by the PURCHASER herein. AND WHEREAS the VENDOR at the request of the PURCHASER agreed to sell to her the said PLOT A more particularly described in SCHEDULE "C", admeasuring an area of 1782.25

Piedade Filomena Abiana Gonsalves

Ratna Prabhu

copy of document No. 1461/93 Book I
Dt. 31
contains 5 sheets

(21)

SUB-REGISTRAR
SALCETE

square metres, and an area of 88.25 square metres reserved for an access road, which access road is standing between PLOT A-1 and A-2, for the total price of Rs. 1,87,000/- and the PURCHASER agreed to buy the same considering that the said PLOT A is consisting of cashew groves, and it requires lot of development, which development is agreed to be made by the PURCHASER. 6 NOW THIS DEED WITNESSETH as under : That in pursuance of the said agreement and in consideration of the sum of Rs. 1,87,000/- (RUPEES ONE LAKH EIGHTY SEVEN THOUSAND ONLY) paid by the PURCHASER to the VENDOR as per the Schedule of Payment indicated hereunder, the receipt whereof she the VENDOR admits and acknowledges and as a beneficial owner doth hereby transfer by way of SALE unto the PURCHASER all that PLOT A mentioned in SCHEDULE "C" hereunder, and an access road of four metres width existing between the PLOTS A-1 and A-2 having an area of 88.25 square metres, connecting to the main road, 7 as shown in the attached plan by red ink, TO HAVE, HOLD, OWN and ENJOY by the PURCHASER as her own without restriction or reservation. SCHEDULE of PAYMENTS made : April 8, 1983 .. Rs.20,000/- April 12, 1983 .. Rs. 30,000/- April 13, 1983 .. Rs. 60,000/- May 15, 1993 . Rs. 50,000/- June 14, 1993 .. Rs. 20,000/- On the date of execution Rs. 7,000/-. Rs. 1,87,000/-. 8

Piedade Filomena Afonso Gonsalves

Raiban Dde

Purtima Prabhu

(22)

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The VENDOR doth hereby covenant with the PURCHASER as follows : (a) The title deed of the VENDOR in the property as a whole and in the PLOT A hereby sold is perfect and unassailable and the VENDOR have the right, power and authority to sell the same without let or hindrance. (b) The sale is made free from any encumbrances or charge whatsoever. _____ 9 _____ (c) In case the PURCHASER is ever dispossessed from the said PLOT A hereby sold or any part thereof by reason of any defect in the title of the VENDOR, the VENDOR does hereby agree and undertake to compensate the PURCHASER and to save the purchaser from loss. IN WITNESS WHEREOF the parties hereto hereunto set and subscribed their respective hands to this Deed on the day, month and year first hereinabove written. _____ 10 _____

SCHEDULE "A" OF THE ENTIRE PROPERTY. All that property named as " METADE DE PRAIAS EM SEIS LANCES " situated at Colva, within the limits of Village Panchayat of Colva-Vanelim-Sernabatim-Gaundalim, Taluka and Sub-District of Salcete, District of South Goa, State of Goa, not described in the Land Registration Office of Salcete but enrolled in the Land Revenue Office under No. 718 and surveyed under No.54/4 of village Colva, and bounded as under : _____ 11 _____ On the EAST : by the property of Anselmo Valentim Rebello; On the WEST : by the property of Francisco Ligoria Carmo da Silva Pereira;

Piedade Filomena Adriana Gonsalves

TRajkan FDC

Prateema Prabhu

On the NORTH : by the property of Maria Estelvina Fernandes and Rosa Maria Fernandes; on the SOUTH : by the land of Tourism Departmentof Govt. of Goa.

SCHEDULE "B" OF THE WESTERN PORTION All that Western Portion, which became distinct 12 and independent property formed by crossing of a road from North to South through the entire property, which Western portion forming a separate and independent property/unit is bounded as under : On the EAST : by the road; on the WEST : by the property of Francisco Ligorio Carmo da Silva Pereira; on the NORTH : by the property of Maria Etelvina Fernandes and Rosa Maria Fernandes; on the SOUTH : by the land of Tourism Department of Govt. of Goa. 13

SCHEDULE "C" OF PLOT "A" All that PLOT "A" consisting of cashew groves, admeasuring an area of 1782.25 square metres, which plot forming adistinct and independent property in itself is bounded as under : on the EAST : by Plot A-1, access road of 4 metres width reserved exclusively for the PURCHASER and Plot A-2; on the WEST : by the property of Francisco Ligorio Carmo da Silva Pereira; 14 On the NORTH : by the property of Maria Etelvina Fernandes and Rosa Maria Fernandes; On the SOUTH : by the land of Tourism Department of Govt. of Goa. The said PLOT "A" is delineated in the attached

Piedade Filomena Adriana Gonsalves

Raikar

Rukmini Prabhu

(42)

PLAN and marked in red ink with its dimensions which will form an integral part of this Deed. _____

J.S _____ VENDORS : Sd/- Leonor de Loiola Furtado e Fernandes (LEONOR DE LOIOLA FURTADO E FERNANDES). PURCHASER :Sd/- Piedade Filomena Abiana Gonsalves (PIEDADE FILOMENA ABIANA GONSALVES). WITNESSES 1. Sd/- Joaquim Barreto . 2. Sd/- Hemas Fernandes . Serial No: 575. Place of vend: MARGAO. Date: 5.8.93. Value of stamp paper: 1000/-. Name of Purchaser : P. Gonsalves. Residence: Colva. Name of Father: M. Rebelo. Purpose: S.Deed. Transacting parties: (blank). Signature of stamp vendor: Sd/-illegible. Signature of Purchaser: (blank). Serial No: (12 580.) Place of vend: MARGAO. Date: 5.8.93. Value of stamp paper: 1000/- Name of Purchaser: P. Gonsalves. Residence: Colva. Name of Father: M. Rebelo. (12 Purpose:) S.Deed. Transacting parties: (blank). Signature of stamp vendor: Sd/-illegible. Signature of Purchaser: (blank). Serial No: 586. Place of vend: MARGAO. Date: 5.8.93. Value of stamp paper: 1000/-. Name of Purchaser: P. Gonsalves. Residence: Colva. Name of Father: M. Rebelo. Purpose: S. Deed. Transacting parties: (blank). Signature of stamp vendor: Sd/-illegible. Signature of Purchaser: (blank). Serial No: 591. Place of vend: MARGAO. Date: 5.8.93. Value of stamp paper: 1000/-. Name of Purchaser: P. Gonsalves. Residence: Colva. Name of Father: M. Rebelo.

Piedade Filomena Abiana Gonsalves

Rs 2

Victor Prabhu Adv

Copy of document dtd. 1461/93 which contains S.Deed.

Purpose: S.Deed. Transacting parties: (blank). Signature of stamp vendor: Sd/-illegible. Signature of Purchaser: (blank). Serial No: 596. Place of vend: MARGAO. Date: 5.8.93. Value of stamp paper: 1000/- Name of Purchaser: P. Gonsalves. Residence: Colva. Name of Father: M. Rebelo. Purpose: S.Deed. Transacting parties: (blank). Signature of stamp vendor: Sd/-illegible. Signature of Purchaser: (blank). Serial No: 601. Place of vend: MARGAO. Date: 5.8.93. Value of stamp paper: 1000/-. Name of Purchaser: P. Gonsalves. Residence: Colva. Name of Father: M. Rebelo. Purpose: S.Deed. Transacting parties: (blank). Signature of stamp vendor: Sd/-illegible. Signature of purchaser: (blank). Serial No: 606. Place of vend: MARGAO. Date: 5.8.93. Value of stamp paper: 1000/- Name of Purchaser: P. Gonsalves. Residence: Colva. Name of Father: M. Rebelo. Purpose: S.Deed. Transacting parties: (blank). Signature of stamp vendor: Sd/-illegible. Signature of Purchaser: (blank). Serial No: 616. Place of vend: MARGAO. Date: 5.8.93. Value of stamp paper: 1000/-. Name of Purchaser: P. Gonsalves. Residence: Colva. Name of Father: M. Rebelo. Purpose: S.Deed. Transacting parties: (blank). Signature of stamp vendor: Sd/-illegible. Signature of Purchaser: (blank). Serial No: 621. Place of vend: MARGAO. Date: 5.8.93. Value of stamp paper: 1000/-. Name of Pur-

Piedade Filomena Adriano Gonsalves

(44)

chaser: P. Gonsalves. Residence: Colva. Name of Father: M. Rebelo. Purpose: S.Deed. Transacting parties: (blank). Signature of stamp vendor: Sd/-illegible Signature of Purchaser: (blank). Serial No: 626. Place of vend: MARGAO. Date: 5.8.93. Value of stamp paper: 1000/-. Name of Purchaser: P. Gonsalves. Residence: Colva. Name of Father: M. Rebelo. Purpose: S.Deed. Transacting parties: (blank). Signature of stamp vendor: Sd/-illegible. Signature of Purchaser: (blank) Serial No: 531. Place of vend: MARGAO. Date: 5.8.93. Value of stamp paper: 1000/-. Name of Purchaser : P. Gonsalves. Residence: Colva. Name of Father: M. Rebelo. Purpose: S.Deed. Transacting parties: (blank). Signature of stamp vendor: Sd/-illegible. Signature of Purchaser: (blank). Serial No: 536. Place of vend: MARGAO. Date: 5.8.93. Value of stamp paper: 1000/- Name of Purchaser: P. Gonsalves. Residence: Colva. Name of Father: M. Rebelo. Purpose: S.Deed. Transacting parties: (blank). Signature of stamp vendor: Sd/-illegible. Signature of Purchaser: (Hank). Serial No: 570. Place of vend: MARGAO. Date: 5.8.93. Value of stamp paper: 1000/-. Name of Purchaser: P.Gonsalves. Residence: Colva. Name of Father: M. Rebelo. Purpose : S.Deed. Transacting parties: (blank). Signature of stamp vendor: Sd/-illegible. Signature of Purchaser : (blank). Serial No: 540. Place of vend: MARGAO.

Piedade Filomena Adriana Gonsalves

J Rajkar LDC

Prakash Prabhu

Copy of document No. 1461/93 (5-6-95) contains 5 sheets.

(27)

Date : 5.8.93. Value of stamp paper: 1000/-. Name of Purchaser: P. Gonsalves. Residence: Colva. Name of Father: M. Rebelo. Purpose: S.Deed. Transacting parties: (blank). Signature of stamp vendor: Sd/-illegible. Signature of Purchaser: (blank). Serial No: 545.Place of vend: MARGAO.Date: 5.8.93.Value of stamp paper: 1000/-. Name of Purchaser: P. Gonsalves. Residence : Colva. Name of Father: M. Rebelo. Purpose: S.Deed. Transacting parties: (blank). Signature of stamp vendor:Sd/-illegible. Signature of Purchaser: (blank). " FIFTEEN STAMP PAPERS OF RUPEES FIFTEEN THOUSAND ONLY".

Rebelo de Filomena Abiana Gonsalves

Rebelo de

54n

(28)

(46)

Copy Endorsement and certificate

1, Leonor De Loiola Furtado E Fernandes.
84 yrs. Widow, Landowner. R/o Margao.

2, Piedade Filomena Adriana Gonsalves
51 yrs. married Housewife. R/o Colva

Sale

Sdl - Leonor de Loiola Furtado e Fernandes

Sdl - Piedade Filomena Adriana Gonsalves

Margao dated 6.5.93.

Sdl-J.A.L. Rodrigues
SUB-REGISTRAR
MARGAO

2078
537 548
-I 317
17/11/93
Sdl-J.A.L. Rodrigues

54

29

Nature of Corrections (footnote)
Nos. of mistakes: 17 (seventeen)
Attestation :- (1) to (17)

True copy

SUB-REGISTRAR
MAPUSA

Endorsement copied by:-

True copy and Endorsement compared by:-

Receipt No.

SUB-REGISTRAR
MAPUSA

Date of registration 17/11/93

SUB-REGISTRAR

Exh "C" Colly (30)

Office of the Village Panchayat

Colva

Construction Licence No. 12/75

Shri/Smt./Kum. Leonora @ Loyola Furtado @ Fernandes

from Colva Ward 3rd ward is hereby granted licence for the construction of extension to the existing house, Construction of Compound wall and well at 3rd ward Colva Ward as per the plan approved by the T.P. Committee vide letter No. DP/1526/2172/74-75 dt. 24-3-75

in terms of the resolution No. 3.8 taken in the Panchayat meeting dated 5-4-75, as per the plans in triplicate / duplicate attached to his / her application under inward No. 225 Plans (Arch.) dated 1-1-75 One copy of the plans concerned, with the approval note carrying the embossed seal of this Panchayat and duly signed, is returned to the interested party, who shall comply with the following conditions.:

1) To limit himself/herself to the Plans approved and statements therein.
2) The construction shall be as per plan approved by this Village Panchayat and condition inposed on it.
3) To inform the Panchayat when the construction has been completed upto Plinth level.
4) To inform the Panchayat as soon as the construction is completed.
5) Not to inhabit the building without the prior permission of this Panchayat
6) To abide by the other related provisions in force.
7) That the building or construction is carried out as per the allignment given and the Plinth level fixed by the Pancnayat.
8) The construction licence shall be revoked:
   a) if the construction work is not executed as per the plans approved and statements therein;
   b) wherever there is any false statement or any misrepresentation of any material passed, approved or shown in the application on which the permit was based
9)
10)
11)
12)

The licence shall be valid for a period of ~~ONE / TWO~~ / THREE year/s beginning from to-day. ~~He has paid the respective tax/fees to the tune of Rs.~~ ~~by Receipt No.~~ ~~dated~~

This carries the embossed seal of this Panchayat.

Office of the Village Panchayat of Benaulim, Varchim and Colva

Colva 8th April 1975

Rosario Domingos Rebello
V. Panchayat Secretary

Exh "D"

TOWN PLANNING COMMITTEE
GOVERNMENT OF GOA, DAMAN & DIU
Ganga Niwas Bldg., Menezes Braganza Rd,
Panaji.

Tel. No. 2246 2872

Ref. No. DJ/1506/3173/74-75

Date 14.3.75

To,

The Serpanch,
V.P. Office,
Colva Salcete Goa.

Sub: Application of Smt. Leonora De Loyola Furtado e Fernandes, for extension in Survey No. 54/4 of Colva of the existing building of compound wall and well.

Ref: ~~PWD/WD/6~~ PWD/WDVI/SDII/G-20/973/74-75 dated 26/2/1975.

Sir,

With reference to above mentioned subject, I like to inform you that there is no objection over the proposed Construction provided

1. It does not disturb any existing footpath.
2. The plot boundary shown in the plan is different from the original plan- This in may be checked at your end.

Office of the Village Panchayat
S. Sabatim, Vaneilm, Colva
Received on. 31-3-75
Inward no 266

Yours faithfully,

(J.A. D'Souza) 14/3
Member Secretary

ads/14.3.75.

Copy to the Asst. Engineer, W.D. IV, S.D.I,
Fatorda -Margao.

Seen
31/3/75

Exh - "E"

(32)

Office of the Village Panchayat
Sernabatim, Vanelim, Colva
Received on 3-2-75
Inward no 250

No. [illegible]
Government [illegible] & Dtn.
Office of the Assistant Engineer
P.W.D., Works Div.VI, Sub-Div.II,
Vasco-da-Gama, Goa.

Dated, 26th February 1975.

7th Phgun. Saka-1896.

To
The Sr. Town Plnr.
Town Planning Committee
PANAJI-GOA.

Sir,

Sub: Const. plan file.

Please find enclosed herewith the plans in quadplicate for the proposed extension of a residential house by Smt. Lazzona Fatima Fernandes at Colva for further needful as your and esthis office has no objection over the proposed construction as far as road set back is concerned.

After doing the needful the file may be sent to the Sarpanch, Village Panchayat of Sernabatim, Vanelim Colva under intimation to this Office.

Thanking you,

Yours faithfully,

(V. Janardhanan)
ASSISTANT ENGINEER

Encl: Const. file.

Copy to:- The Sarpanch,
Village Panchayat of
Sernabatim, Vanelim & Colva.
w/r to letter No. VP/SVC/328/74-75 dated 22-1-75
addressed to the Executive Engr., W.D.VI, Margao.

3-2-75

Exh – "F" (33)

Member Secretary
G...
Inward No. 1683/E
Date 29/10/2008

Application format for proposed Projects/Constructions/Repairs in CRZ

From: (Name and full postal address of the owner)

SNOWDON GONSALVES,
H.NO 122/1,
2ND WARD COLVA,
SALCETE - GOA 403708

To,

The Member Secretary,
Goa Coastal Zone Management Authority
C/o Department of Science, Technology & Environment,
Opp. Saligao Seminary, Saligao, Bardez,
Goa - 403 511.

Subject:

REPAIRS & RENOVATION OF EXISTING STRUCTURE, C-WALL & WELL

Sir,

I intend to carry out the under-mentioned development in the plot of land under Survey No. 54/4-A (Chalta No. P.T. Sheet No._____) of COLVA Village/Town, SALCETE Taluka, in accordance with the Coastal Regulation Zone (CRZ) Notification dated 19th February 1991 and as amended subsequently.

(Please give particulars of the proposed development)

I am enclosing herewith the following documents.

1. Ownership documents.
2. Form I & XIV.
3. Certified copy of Survey Plan issued by Directorate of Settlements & Land Records.
4. Site Plan showing the existing and proposed developments (duly coloured as per colour code) countersigned by the Owner and Architect/Engineer/Town Planner registered with their respective associations.
5. One copy of the detailed plans of the proposed developments countersigned by the Owner and Architect/Engineer/Town Planner registered with their respective associations.
6. Contour Plan of the plot with 50 cm. Contour interval (not applicable in case of re-construction and repair)
7. CRZ Clearances questionnaire duly completed (Form "A")
8. Environmental Impact Assessment (EIA) Report (not applicable for compound walls, re-construction, repair and, single dwelling units).
9. Existing and proposed vegetation plan (not applicable for compound walls, re-construction and repair).
10. Photographs of the property from all sides showing the

Gcb. 'C'

(34)

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment,
Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa – 403 511
Phone: (0832) 2407186, 2407187, 2407189 Fax: (0832) 2407186

Ref;No. GCZMA/S/08-09/41/70 Dated:17/04/2009

To,
Mr. Snowkon Gonsalves,
H.No. 122/1,
2nd Ward Colva,
Salcete-Goa.

Sub: **Proposed repairs and renovation of the existing structure in Survey No. 54/4-A of Colva village, Salcete Taluka.**

Sir,

With reference to your application on the above-mentioned subject, it is hereby conveyed that this office has examined your case in 48th GCZMA sub-committee meeting held on 20/01/2009. In accordance to the provisions of the CRZ Notification of 1991, approval is hereby granted only for repairs and renovation of the existing structure in Survey No. 54/4-A of Colva village, Salcete Taluka not exceeding existing FSI, existing plinth area and existing density, subject with the confirmation with local building bye laws.

This approval is subject to the following conditions:

1. All the provisions of the CRZ Notification should be strictly complied with.
2. Prior to the commencement of the 'repairs/renovation' work, it will be incumbent upon the applicant to obtain the licence from the Canacona Municipal Council
3. This permission is liable to be revoked if it is found, at any stage, that the application contained false information/wrong plans/calculations/documents or any other incorrect/wrong accompaniments.
4. The completion of the repair work should be informed to this office for the purposes of verification.

Yours faithfully,

(Michael M. D'Souza)
Member Secretary, GCZMA &
Director/Ex-Officio, Jt.Secy. (STE)

Copy to: The Panchayat Secretary, Village Panchayat of Sernabatim,Vanelim,Colva & Gandaulim,Salcete-Goa.

Exh - "H"

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment,
Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa – 403 511
Phone: (0832) 2407186, 2407187, 2407189 Fax: (0832) 2407186

Ref. No. GCZMA/S/08-09/41/310 *Dated:* 10/08/2009

To
Mr. Snowkon Gonsalves,
H.No. 122/1,
2nd Ward Colva,
Salcete-Goa.

Sub: **Proposed repairs and renovation of the existing structure in Survey No. 54/4-A of Colva village, Salcete Taluka.**

Ref: This Office letter No.1. GCZMA/S/08-09/41/70 dated 17/04/2009
2. GCZMA/S/08-09/41/164 dated 12/06/2009
3. GCZMA/S/08-09/41/165 dated12/06/2009.
4. Your letter No. NIL dated 05/05/2009

Sir,

With reference to your application and on verification of the records in file, the following correction shall be made in the permission granted vide this letter No.GCZMA/S/08-09/41/70 dated 17/04/2009.

Instead of "*approval is hereby granted only for repairs and renovation of the existing structure in Survey No. 54/4-A of Colva village, Salcete Taluka*" it shall be read as "*approval is hereby granted only for repairs and renovation of the existing structure, compound wall and well in Survey No. 54/4-A of Colva village, Salcete Taluka*".

The other contents and conditions shall remain the same.

Yours faithfully,

(Michael M. D'Souza)
Member Secretary, GCZMA &
Director/Ex-Officio, Jt.Secy. (STE)

Copy to: 1.The Panchayat Secretary, Village Panchayat of Sernabatim,Vanelim, Colva & Gandaulim, Salcete-Goa.
2. The Town Planner, Office of the Senior Town Planner, Town & Country Planning Department, Government of Goa, Osia Complex Margao-Goa.

RECEIVED
T.C.P.D., MARGAO.
DATE 02.09.09

Office of the Village Panchayat

Exh- "I"

SERNABATIM, VANELIM, COLVA & GANDAULIM

Construction Licence No. VP/SVCG/Const. 65/2009-10/2130

Shri/Smt./Kum. Snowkon Gonsalves from 2nd ward of Colva is hereby granted licence for the ~~construction~~ of Repair & Renovation of Structure, Compound Wall & Well in Survey No.54/4-A,Village Colva,Salcete Taluka. in terms of resolution No. 4(32) taken in the Panchayat meeting dated 17/9/2009, as per the plans in triplicate/duplicate attached to his/her application under inward No PPO / 01 / VP / Plans --- 10 dated 21/9/09 One copy of the Plans concerned with the approval note carrying the embossed seal of this Panchayat and duly signed, is returned to the interested party, who shall comply with the following conditions

1) To limit himself/herself to the plans approved and statements therein.
2) The construction shall be as per plans approved by this Panchayat and condition imposed on it.
3) To inform the Panchayat after excavation and before laying of plinth foundation.
4) To inform the Panchayat when the construction has been completed upto plinth level.
5) To inform the Panchayat as soon as the construction is completed.
6) Not to in habit the building without the prior permission of this Panchayat.
7) To abide by the other related provision in force.
8) That building or construction is carried out as per the alignment given and the plinth level fixed by the Panchayat.
9) The construction licence shall be revoked.
   a) If the construction work is not executed as per the plans approved and statements therein;
   b) Wherever there is any false statement or any misrepresentation of any material passed, approved or shown in the application on which the permit was passed.
10) Approval from Goa Coastal Zone Management Authority vide Ref.No.GCZMA/S/08/-09/310, dated 10/8/2009, should be followed.
11) The N.O.C is issued only for Repair & Renovation of structure,Compound wall & Well. (TCP Clause)
12) Necessary N.O.C shall have to be obtained from Water Resource Dept. for opening Well.
13) All the Conditions laid down by Town & Country Planning Dept. vide Ref.No. TPM/Const/Colva/54/4A/09/5213, dated 22/9/09, should be strictly complied.

The licence shall be valid for a period of ONE/TWO/THREE years beginning from today He/She had paid the respective tax/fees the tune of Rs. 5470/- by Receipt No. 06/37 dated 06/01/2010

This carries the embosed seal of this Panchayat

Office of Village Panchayat of ---------- Colva-----

06/01/2010

Cont.....

SECRETARY
Village Panchayat
SERNABATIM, VANELIM,
COLVA & GANDAULIM

(66)

Cont.

13) [illegible]

14) No labourers should reside at the Const. reside except the Security Guard and if labourers found on the site the licence with be revoked.

15) Labourers engaged on the Const. site should have a Compulsory Health Card issued by Health Dept. and it is obligation of the labourer to produce the Health Card before the Panchayat Member and other Authorities when demanded.

16) Adequate arrangement shall be made for collection & disposal of solid and liquid generated.

(ALLAUDDIN MANIYAR)
SECRETARY
Village Panchayat
SERNABATIM, VANEL
COLVA & GANDAULI

Exh - "J" (Colly)

38

OFFICE OF THE SENIOR TOWN PLANNER,
TOWN & COUNTRY PLANNING DEPT.,
SOUTH GOA DISTRICT OFFICE,'B' WING,4TH FLOOR,
OSIA COMMERCIAL ARCADE,MARGAO-GOA

TPM/CONST/Colva/54/4A/09/543 Date:- 22/9/09

To,
The Sarpanch,
Office of the Village Panchayat
Colva Salcete Goa.

Sub:- Application of Shri/Smt. Shawkon Gonsalves for repair & renovation of structure for construction of COMPOUND WALL on plot no. & wall.....

on sy.no 54/4-A ... of village ...Colva..... Salcete Taluka.

Ref- 1) No. VP/SVGC/114/2009-10 dt. 25/04/09

2) This office Letter no. TPM/Const/Colva/54/4-A/09/1543 dt. 27/4/09

3) Letter no. GCZMA/S/08-09/41/310 dt. 10/08/09.

Sir,

With reference to the above mentioned subject, this is to inform you that there is no objection over the proposed construction of COMPOUND WALL from planning point of view on the following conditions:-

1. The permission is recommended as per the plans hereby annexed.
2. The permission is liable to be revoked if it is based on false information wrong plans/calculations/documents or any other accompaniments of the applicant are found to be incorrect or wrong at any stage.
3. Any change to be effected to the approved plans, prior permission has to be obtained.
4. No trees should be cut, without prior permission of the competent authority.
5. Ownership of the land shall be verified by the Panchayat before issue of construction licence.
6. Licence for construction shall be issued only after obtaining approval for the structural drawing and valuation certificate from the Assistant Engineer, S.D.II,W.D.VII,P.W.D, Fatorda,Margao.
7. The gate of the compound shall open inward only and not outward to the road.
8. a)In case of corner plots, the height of the compound shall be closed typed upto 0.90mts. from the tangents point(corner point of plot).
   b)The gate shall be placed after leaving 15mts. on either side from the tangents point. If the lenigth of the plot is less than 15mts. it shall be located at the farthest end of the plot.
9. Traditional access, if any, shall not be blocked, unless the plot or property so served is otherwise served by alternative access.
10. Verification of ownership with specific reference to tenancy position as on 2/11/1990 has to be made at your end before issue of conversion sanad/construction licence/Occupancy certificate.
11. An adequate openings at the bottom of the compound wall shall be kept so that no cross drainage is blocked.

12. — Height of the compound wall abutting to the road shall not exceed 1.20mts. height and it shall be kept open type above 0.90mts. from the ground level.

(66) 13. In case of the corner plot, the road sides compound wall, a height shall not exceeds 1.20mts. Also corner radius of minimum 5mts. shall be maintained for champhering.

14. The N.O.C. is issued only for repair and renovation of structure compound wall & wall.

15. "ccessary N.O.C. shall have to be obtained from Water Resources Dept., for opening well before issue of of Licence.

16. The N.O.C. is issued based on the letter bearing No. GCZMA/E/ 03-09/41/310 dt. 10/08/09 issued by Goa Coastal Zone Management Authority, Ribandar.

17. Ownership right of the applicant shall be verified by Village Panchayat before issue of construction Licence.

File is returned herewith, after retaining a set of plans and documents for this office record.

Yours faithfully,

(Er.Joseh J. Naik)
Town Planner

Encl: as above.

Copy to:
Shri/Smt. Shovson Gonsalves.
H.No. 122/1.
2nd ward, Colva Salcete Goa.

In/-

G6 (k)

(170)

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment,
Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa - 403 511
Phone: (0832) 2407186, 2407187, 2407189 Fax: (0832) 2407186

Ref.No. GCZMA/S/08-09/A1/695 Dated: 07 /01/2010

SHOW CAUSE NOTICE UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 (CENTRAL ACT 29 OF 1986)

Whereas, the Goa Coastal Zone Management Authority (GCZMA) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violations of the Coastal Regulation Zone (CRZ) Notification, 1991;

Whereas based on your application dated 05/05/09 addressed to the Member Secretary GCZMA, for repairs and reconstruction of the existing structures, together with compound wall and well in Survey No. 54/A the said site was inspected by the members of the Goa Coastal Zone Management Authority. Subsequently permission was granted by the GCZMA for repairs and reconstruction vide our letter No. GCZMA/S/08-09/41/70 dated 17/04/09.

Whereas, it has been brought to the notice of this Authority that the Honourable High Court of Bombay at Goa, in Judgement dated 2nd March 2000 in Writ Petition No. 76/95 and 237/99 has directed one Mrs Piedade Filomena Gonsalves to demolish the structures erected. The Party Mrs Piedade Filomena Gonsalves appealed against the Judgement to the Apex Court in Civil Appeal Nos. 960-961 of 2002, and the said appeal was dismissed by its order dated 11/03/04.

Whereas, this Authority has every reason to believe that you have connivingly and fraudulently suppressed the above mentioned facts and moved in an application for repairs and renovation of the existing structures together with compound wall and well in Survey No. 54/4-A.

Now, therefore, the GCZMA hereby calls upon you to show cause as to why the permission granted to you should not be cancelled and withdrawn and appropriate proceedings under the law be initiated against you for misleading the Authority.

You are directed to file your reply and produce the original repair licence issued by the concerned Authority, alongwith approved plan, as also documents to show the title to the property (Sale Deed etc.), before us on or before 20th January 2010 and remain ready for a

...2/-

personal hearing on a subsequent date which will be shortly conveyed to you. If you fail to submit your reply alongwith the required documents, the GCZMA will come to the conclusion that you have no justification to provide nor produce any documents and the Authority shall proceed to issue final directions without any further notice.

(Michael M. D'Souza)
Member Secretary, GCZMA
Director/Ex-Officio Jt. Secretary, STE

To,
Snowkon Gonsalves, residents of H.No. 122/1, 2nd Ward Colva, Salcete-Goa.

Copy to:
1. The Office of the Secretary Environment, Secretariat, Alto Porvorim, Bardez, Goa.. *for information.*

2. The Office of the Collector (South), Collectorate, Margao - Goa.

3. The Town Planner, Office of the Senior Town Planner, Town & Country Planning Department, Government of Goa, Osia Complex Margao-Goa.

4. The Panchayat Secretary, Village Panchayat of Sernabatim, Vanelim, Colva & Gandaulim, Salcete Goa.

(Michael M. D'Souza)
Member Secretary, GCZMA
Director/Ex-Officio Jt. Secretary, STE

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment (Government of Goa)
Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa – 403 511
Phone: (0832) 2407186, 2407187, 2407189 Fax: (0832) 2407186

Ref: GCZMA / S/08-09/41/ 70 0 ***Date:*** 11 / 01 / 2010

To,
Mr. Snowkon Gonsalves,
H.No. 122/1, 2nd Ward Colva,
Salcete-Goa.

Sub: Proposed repairs and renovation of the existing structure in survey No. 54/4-A of Colva village, Salcete Taluka.
Ref: This Office letter No.1. GCZMA/S/08-09/41/70 dated 17/04/2009
2. GCZMA/S/08-09/41/164 dated 12/06/2009
3. GCZMA/S/08-09/41/165 dated 12/06/2009

Sir,

This office is in receipt of a public complaint regarding validity/authenticity of the documents which you have submitted to this office, on the basis of which, your case was considered, for granting approval of repair and renovation of the structure in Sy. No.54/4-A of Colva village. Further it is brought to the notice of this Authority, that there are directions of the Hon'ble High Court of Bombay at Goa and Hon'ble Supreme Court for removal of the said structures.

On the basis of the information now made available, this Authority has every reason to believe that you have deliberately mislead the Authority, by not submitting the factual position and the true facts of the case. A Show Cause Notice has been issued to you vide No.GCZMA/S/08-09/41/695 dated 07/01/2010.

Till such time, the matter is decided by this Authority, the permission granted vide office letters referred above are hereby held in abeyance.

Yours faithfully,

(Michael M. D'Souza)
Member Secretary, GCZMA &
Director/Ex-Officio, Jt. Secretary (STE)

Copy to;
1. **The Sarpanch,** Village Panchayat of Colva, Salcete-Goa..... for kind information.
2. **The Panchayat Secretary,** Village Panchayat of Colva, Salcete-Goa..... for kind information.
3. **P.A. to Secretary** (Environment) Secretariat.....for kind information.

From:
Mr. Snowkon Gonsalves,
H. No. 122/1, 2nd Ward, Colva,
Salcete – Goa.

Dated: 20/1/2010

To,
Michael M. D'Souza,
Member Secretary, GCZMA,
Opp. Saligao Seminary,
Saligao – Bardez,
Goa 403511.

Sub: Show Cause Notice dated 07/01/2010 bearing
Ref: No. GCZMA/5/08-09/41/695

Sir,

1. I am in receipt of your show cause notice under Section 5 of the Environment (Protection) Act, 1986 bearing reference no. GZMA/5/08-09/41/695.

2. According to your notice, it has been brought to your notice that the Hon'ble High Court of Bombay at Goa in judgment dated 2nd March 2000 in writ petition No. 76/95 and 237/99 directed one Mrs. Piedade Gonsalves to demolish the structures and even the Apex Court in Civil Appeals No. 960-61 of 2002 had dismissed the appeals filed against the order of the High Court.

3. It has been further stated by you that there is every reason to believe that the undersigned has fraudulently suppressed the above facts and obtained permission for repairs and renovation of the structure in Survey No. 54/4-A

4. It appears that prima facie, your kind self has been misled by persons with vested interests by furnishing false information, which has prompted yourself to issue the show cause notice under reply.

5. The undersigned is actively involved in Politics and has a election Petition pending in the High Court against the Dy Sarpanch of Colva village and hence there is every possibility of one of the many political rivals and some N.G.O's who had even sought monetary gratification and also warned to cancel the permission granted if their illegal demands were not complied.

(154)

6. Without prejudice to the rights of the undersigned to file a detailed reply explaining the allegations made in the show cause notice, **the undersigned be furnished with the copy of complaint/letter by which allegation of suppression of facts were leveled against the undersigned.**

7. The undersigned states that the rules of natural justice should not be reduced to mere empty formalities but should be complied in letter and spirit giving full opportunity to the undersigned in order to effectively meet serious allegation of fraud and suppression of facts.

8. It is also pertinent to note that no evidence can be used against any person without furnishing the material/copies which will be used against the affected persons.

9. In view of the above and in order to effectively and satisfactorily place all the relevant facts for consideration before this Authority, the copy of the complaint/letter may be furnished to the undersigned.

10. The undersigned reserves the right to file a detailed reply in the event your kind self is pleased to reject the request for copies/materials as prayed.

Thanking you,

Yours Sincerely,

20/01/10

O/o the Member Secretary
Goa [illegible] Authority
O/o Dept. of [illegible]
Salgao, Bamez, Goa [illegible]

(SNOWKON GONSALVES)

GCS 'N'

(A-5)

From:
Snowkon Gonsalves,
House No.122/1,
2nd Ward Colva, Salcete Goa

To,
Michael M D,Souza,
Member Secretary, GCZMA,
Opp, Saligao Seminary,
Saligao – Bardez,
Goa 403511.

Dated:- 08/3/2010

Sub: Show Cause Notice dated 07/01/2010
bearing Ref. No. GCZMA/5/08-09/41/695.
Ref: Our letter dated 20/1/10 received by your
office on the same day.

Sir,

I was in receipt of your above showcause notice dt 7/01/2010.

I had replied to the showcause on 20th Jan 2010 asking certain documents to be furnished at Serial No. 6 of my letter.

I am still awaiting for the requested documents so that I can file a detailed reply in the above showcause notice.

Hoping that your good self will do the necessary in the above matter to furnish the documents so that the matter can be expediated at the earliest.

Thanking you,

Yours Sincerely,

(Snowkon Gonsalves)

08/03/10

O/o the Member Secretary,
Goa Coastal Zone Management Authority,
C/o Dept of Science, Technology & Environment
Saligao, Bardez, Goa - 403511

From:
Snowkon Gonsalves,
House No. 122/1,
2nd Ward, Colva,
Salcete, Goa.

16th August, 2010

To,
The Member Secretary,
Goa Coastal Zone Management Authority,
Nr. Saligao Seminary,
Saligao, Bardez, Goa.

Sub: Your show cause notice dated 07.01.2010 bearing Reference no. GCZMA/5/08/09/41/695

Sir,

1. I am in receipt of your show cause notice u/s 5 of the Environment (Protection) Act, 1986 bearing reference no. GCZMA/5/08/09/41/695 dt 07/01/2010.
2. Pursuant to your show cause notice received herein above, the undersigned by letter dated 20.01.2010 and letter dated 8.03.2010 brought to your attention that the copy of the complaint which was received by you was not furnished and the same was required to file detailed reply explaining the allegation made by you in your show cause notice.
3. The undersigned states that despite the letter sent to you on 20.01.2010and 8.03.2010, your have not furnished me copy of the complaint or any other document on the basis of which you have issued present show cause notice which is on reply.
4. Without prejudice to the above, the undersigned would like to place the following facts with respect to the structure for which the undersigned has applied for repairs and renovation in survey no. 54/4/A in Colva village.
   a) The undersigned states that my mother had purchased a part of property bearing survey no. 54/4 situated in Colva village in the year 1993 upon execution of a sale deed with one Mrs. Leonara de Loyola Furtado e Fernandes on 17th November, 1993. Annexed hereto is the copy "Anx...1".

18/08/2010

O/o. the Member Secretary,
Goa Coastal Zone Management Authority,
C/o. Dept of Science, Technology & Environment,
Saligao, Bardez, Goa - 403511.

(47)

(86)

b) The undersigned states that prior to execution of sale deed said Mrs. Leonara de Loyola Furtado e Fernandes had also entered into agreement of sale on 08.04.1983. Annexed hereto is the copy. **"Anx...2"**

c) The undersigned states that the said plot was purchased alongwith existing structures which existed since 1975 for which construction licence was granted by the Village Panchayat of Colva vide Construction Licence No. 18/75 dated 08.04.1975 to her predecessor in title Mrs. Leonara de Loyola Furtado e Fernandes.

d) The undersigned states that the village panchayat had issued the construction licence to said Mrs. Leonara de Loyola Furtado e Fernandes after getting approvals from the Town and Country Planning Department vide letter dated 14.03.1975 and NOC from PWD vide letter dated 20.02.1975. Annexed hereto are the copies of above letters for your records and verification. **"Anx..3 and 4"**

e) The undersigned states that the construction licence was issued by the village panchayat of Colva in terms of resolution no. 34 taken in panchayat meeting dated 06.04.1975 for the purpose of construction/extension of the existing house, construction of compound wall and a well at 3rd Ward, Colva in Survey No. 54/4 as per the approval of the Town and Country Planning Department Committee vide a letter DJ/1506/3173/74-75 (Documents already given to your office and on record).

f) The undersigned states that by Order dated 21.10.1997, the Sub Divisional Officer and Dy. Collector, Sub Division Margao partitioned the part of plot in Survey No. 54/4 and the said plot was issued a new Survey No. bearing 54/4-A. Copy of the Order alongwith the copy of the survey plan, Form 1& XIV and showing the existing structures are annexed hereto. **" Anx..5 and 6, 7"**

g) The undersigned states that the application was made before this authority on 28th October, 2008 seeking repairs and renovation of the existing structures, compound, wall and well in survey no. 54/4-A in village Colva based upon the will executed by my mother. Annexed hereto is the copy of will." **Anx.8"**

h) The undersigned states that this authority also conducted site inspection of the property bearing survey no. 54/4-A and after perusing the documents annexed alongwith the application for repairs and renovations, had granted approval for repairs and renovations of the existing structures in the 48th GCZMA Sub-Committee Meeting held on 20.01.2009.

i) The undersigned states that the village panchayat had accordingly granted construction licence bearing no. VP/SVCG/CONST.65/2009-10/2130 for repairs and renovations of the structure, compound wall and well in survey no. 54/4-A of village Colva after receiving approval from this authority vide reference no. GCZMA/3/08-09/370 dated 10.08.2009 and also approval of Town and Country Planning Department no. TPM/CONST/COLVA/ 54/4A/09/52/3 by letter dated 22.09.2009. Annexed hereto is the copies of above approvals. **"Anx...9 and 10"**

j) The undersigned states that the village panchayat has subsequently kept the licence granted in abeyance vide letter dated 04.03.2010 after the village panchayat received letter n. GCZMA/08/09/41'70 dated 11.01.2010 from your office, according to which the earlier permission granted by you vide letter dated 17.04.2009 bearing reference no. GCZMA/3/08/09/41/70 was kept in abeyance till the disposal of the present matter.

k) The undersigned states that the Hon'ble High Court of Bombay at Goa vide Judgment and Order dated 02.03.2000 in Writ Petition No. 76/1995 was pleased to direct the village panchayat of Colva to demolish the compound wall, well and building falling in survey no. 51/1, 51/2 and 54/4 situated within the limits of Colva Village Panchayat.

l) The undersigned states that my mother who was the party Respondent in the aforesaid Writ Petition approached the Hon'ble Supreme Court by way of Special Leave to Appeal (Civil) No. 6853 and 6854 of 2000 with a prayer for interim relief.

m) The undersigned states that the Apex Court vide Order dated 01.05.2000 was pleased to issue notice and also directed the parties to maintain status quo with respect to the structures of late Smt. Piedade Filomena Gonsalves

(49)

(88)

(mother of Applicant) which were directed to be demolished by the Hon'ble High Court of Bombay at Goa,.

n) The undersigned states that the Apex Court granted Special Leave in the Petition filed by my mother vide Order dated 01.02.2002 and further directed that the Order dated 01.05.2000 directing maintenance of status quo to continue in civil application no. 9060 and 9061 of 2002. However the Apex Court by Judgment and Order dated 11.03.2004 dismissed the Civil Appeals filed by my mother.

o) The undersigned states that pursuant to the Order passed by the Apex Court, my mother vide letter dated 30.11.2004 informed the village panchayat of Colva that the structure constructed in the year 1994 which was the subject matter of Writ Petition No. 76/1995 was demolished on 14.11.2004. Annexed hereto is the copy. **"Anx...11"**

p) The undersigned states that the wife of Mr. Felix Serrao who was the Petitioner in Writ Petition No. 76/1995 vide her letter dated 22.02.2006 had also informed the village panchayat that the new construction carried out between July 1994 and 17th August, 1994 by my mother was demolished. Annexed hereto is the copy of above letter of wife of Mr. Felix Serrao. **"Anx..12"**

q) It is also pertinent to note that pursuant to the direction issued by the Hon'ble High Court of Bombay at Goa in Suo Motto Writ Petition No. 2/2006, my mother was issued notices by the village panchayat on 10.04.2008 with respect to the structures with a detailed reply dated 29.04.2008 was furnished by my mother. Annexed hereto is the copy of reply dated 29.04.2008. **"Anx.13"**

r) The undersigned states that after considering the reply filed by my mother and after giving opportunity of personal hearing, the village panchayat of Colva in their meeting held on 15.06.2009 had unanimously resolved to withdraw the show cause notices issued to my mother upon considering documentary evidence that the structure standing on survey no. 54/4-A was constructed prior to 1991.

s) The undersigned states that in particular even the Apex Court while disposing the Special Leave to Appeal has made reference to the construction carried out by my mother which commenced in **July 1994 and was completed in August, 1994.**

t) The undersigned states that considering the documentary evidence produced herein above it is evidently clear that the structure for which repairs and renovation has been sought for by the undersigned was existing even prior to 1975.

5. In view of the above, your show cause notice bearing reference no. GCZMA/5/08/09/41/695 dt 07/01/2010 be withdrawn along the letter of abeyance bearing reference no. GCZMA/S/08-09/41/700 dt 11/01/2010 with immediate effect and the approval granted be confirmed forthwith.

6. The undersigned reserves the right to file necessary reply and to be given the opportunity of personal hearing if needed to give further clarifications in the event the copy of the complaint/letter is given to the undersigned based on which the present enquiry was sought to be initiated.

Place: Panaji

Date: 16th Aug 2010

SNOWKON GONSALVES

(51)

Encl (p1) Colly

From;
Piedade Gonsalves
Resident of 3rd ward,
Colva

Date: 30/11/2004

To:
The Secretary
Village Panchayt of Colva,
Vanelim, Sernabatim & Gandaulim
Colva, Salcete, Goa.

Sub: Demolition in view of the order passed in Writ Petition No.76/1995

Sir,

This is to bring to your kind attention that in respect of the new structures constructed in the year 1994 on the southern side of my property a Writ Petition was filed before the Hon'ble High Court being Writ Petition No.76/1995.

The Hon'ble High Court allowed the said Writ Petition directing me to demolish the said new structure constructed in the year 1994.

I filed on Appeal to the Hon'ble Supreme Court bearing Civil Appeal Nos.960-961 of 2001, the Supreme Court disallowed the said Appeal.

In view of the aforesaid I have demolished the said new structure on 14/11/2004 constructed in the year 1994, Kindly take note of the same.

Thanking you,

Yours sincerely,

P. Gonsalves

Piedade Gonsalves

Received by JVP
V.P. Colva,
Date: 1/12/04

From:
Mrs.Filomena Piedade Serrao
Furtado, alias Philomena Petronila
Angelina Serrao,
Dyaneshwar Nagar Co-op. Hsg.Scty.,
Bldg. NDA-1, Flat no.19,
D.Z. Mahajani Path Marg,
Wadala, Mumbai – 400 031.
22-2-2006.

(52)

To:
The Secretary,
Village Panchayat of Colva,
Colva, Salcete-Goa.

Office of the Village Panchayat
Sernabatim Vanelim Colva & Gandaulim
Received on 9/3/2006
Inward No 1958

Dear Sir,

1. The undersigned is the wife of late Mr.Felix Menino Jesus Serrao who had expired on 12-6-2003.

2. The said Mr.Felix Menino Jesus Serrao (now deceased), had filed a complaint to the Village Panchayat in respect of the construction carried out in the property surveyed surveyed under no.54/4(Old)/54/4-A(New) of the Village Colva, against Mrs.Piedade Filomena A. Gonsalves.

3. The said structure was originally of thatched roof supported with laterite stones. Decayed

4. The said construction had commenced in July, 1994 and was completed on 17-8-1994.

5. My late husband viz. the said Mr.Felix Serrao had filed Writ Petitions before the Hon'ble High Court being Writ Petition no.76/95 and Writ Petition no.237/1999. The said writ petitions were disposed off by Order dated 2-3-2000 directing Mrs. Piedade Filomena Gonsalves to demolish the said illegal construction.

6. In consonance and in full satisfaction of the Order passed by the Hon'ble High Court, the said Mrs.Piedade Filomena Gonsalves has demolished the said illegal construction in respect of which my husband Mr.Felix Menino Jesus Serrao had filed Writ Petitions no.76/95 and Writ Petition no.237/1999 and as a consequence, the undersigned have no further grievance.

7. The present letter is addressed to your office for your record.

Thanking You,

Yours faithfully,

FSerrao

Mrs.Filomena Piedade Furtado

Exh- "Q"

53

From;
Mrs. Piedede Filomena Gonsalves
residing at 3rd ward
COLVA.
(Salcete Goa)

29/4/08
355

Date: 29/4/2008

To,
The Sarpanch
Village Panchayat Sernabatim-
Vanelim-Colva-Grandulim
COLVA.
(Salcete Goa)

Ref: Your Show Cause Notice dated 10/4/2008
Reference No. VP/SVCG/149/08-09

Madam,

I have received your above referred notice and I reply to the same as follows:-

1. The Show Cause Notice issued by you is misconceived for the reasons that I am not the owner/co-owner of any property surveyed under No.54/4 of Village Colva.
2. It appears that the Panchayat has not conducted any inquiry and issued the present notice in an outmost casual manner.
3. Without prejudice to what is stated hereinabove, I state that I am the owner of a property surveyed under No.54/4-A of Village Colva admeasuring an area of 1788:00 sq. mts. The said property was purchased by me in the year 1993 by virtue of Deed of Sale executed by Mrs. Leonora de Loyola Furtodo e Fernandes executed before the Sub-Registrar of Salcete at Margao under Registration No. 2078, at pages 537 to 548, of Book No. I, Volume No. 317, dated 17/11/1993.
4. It is pertinent to mention that prior to execution of the said deed of sale in respect of the said property I executed an agreement 8/04/1983 with Mrs. Leonora de Loyola Furtodo e Fernandes for purchase of the said property in accordance with the said agreement I was put to in possession of the said property together with the structures existing thereon.
5. The said property purchased by me was originally part of the property surveyed under No.54/4 of village Colva. Pursuant to the Sale Deed a survey partition was carried out and the property purchased by me has been allotted a separate survey number. i.e. 54/4-A.

(54)

6. In the said property purchased by me there exist two structures, admeasuring a total area of approximately 392:00 sq mts., which are existing prior to year 1975.
7. It is pertinent to mention that my predecessor-in-title, Mrs. Leonora de Loyola Furtado e Fernandes had obtained construction licence to do the extension to the existing structures which was granted by the Village Panchayat vide its Construction Licence No.18/75 dated 8/4/1975.
8. Prior to issuing of the licence by your Panchayat, you had sent the construction file to the Town and Country Planning at Panaji for approval and to the PWD Department, the Town and Country Planning Department the vide its letter dated 14/3/1975 granted approval, which was received by your Panchayat on 31/3/1975, and PWD Department granted its NOC vide its letter dated 26th February 1975. which was received by the Panchayat on 3/3/1975, pursuant to that your Panchayat had issued Construction Licence to my predecessor vide licence No. 18/75.
9. I would like to submit that in the survey plan prepared by the Land Survey Department the said two structures are shown, including the well and the compound wall existing therein, which clearly shows that as on 1975 the said structures were in existence, even in the sale deed executed by me in respect of the said property the said structures are shown in the plan annexed to the deed.
10. From the above documents it is crystal clear that the structures existing in my property are legal and existing much prior to the Goa Coastal Zone Notification of 1991 came into force.
11. Your Panchayat ought to have perused the records in respect of my structures from the records maintained by your Panchayat before issuing the present Show Cause Notice.
12. I would like to submit that in the year 2001 the Goa Coastal Zone Management conducted a survey of Village Colva and prepared a list of the names of the alleged violators, all along the stretch of the Colva Beach.
13. In the said Show Cause Notice my name was never figured as a violator and/or that my structures are illegal. If at all my structures were illegal, then the GCZMA definitely would have mentioned my name as a violator in the list prepared.
14. Your Panchayat ought not to have issued notice to me without conducting prior investigation in the matter, I have failed to understand on what basis the Panchayat has arrived at finding that the construction existing in my property are illegal and that they are constructed subsequent to the year 1991.
15. Without prejudice to above the Panchayat is not a body constituted to take action in respect of the matter concerning violation of CRZ regulation.

(55)

16. It is stated that under the Environment Protection Act the Central Government has constituted an Authority known as Goa Coastal Zone Management Authority (GCZMA) to take action in respect of CRZ violation.
17. The said Authority (GCZMA) constituted under the Environment Protection Act is not empowered to delegate the power by GCZMA to any other Authority.
18. From the above it is clear that my construction in the property is legal and was existed much prior to year 1975 and extension was done to said structure upon obtaining licence from the Village Panchayat vide licence dated 8/4/1975.
19. The documents mentioned above conclusively prove that the structures are existing prior to 1975, and same were extend with in the year 1975 with the permission from the Panchayat. To substantiate my claim I demand right of hearing in the matter.
20. For the reasons mentioned above the Show Cause issued by your office be withdraw with immediate effect.

Yours faithfully,

F. Gonsalves

(Piedade Filomena Rodrigues)

Encl: as above
Documents

Exb 'R'

(56)

Ph:- 2788485
Office of the Village Panchayat
Sernabatim, Vanelim, Colva & Gandaulim
Salcete - Goa. Pin Code 403 708

Ref. No. VP/SVCG/ 2495 /2009-10

Date 4/3/2010

To,
Shri. Snowkon Gonsalves (Reg A/D)
r/o H.No.122/1, 2nd ward
Colva-Goa.

Sub: Const. licence No.VP/SVCG/Const.65/2009-10/2130, dated 6/01/2010 for proposed repairs & renovation of the Existing structure in Sy.No.54/4-A of Colva Village.

Sir,

This Panchayat in receipt of the Copy of Show Cause Notice under reference No. GCZMA/S/08-09/41/695, dated 7/01/2010 from Goa Coastal Zone Management Authority addressed to you and copy ear-marked to this Panchayat, that you have mislead and suppressed. The facts mentioned in the said notice and therefore the said Authorities has issued the said Show cause notice to you.

Subsequently, this Panchayat has also received another letter Vide No. GCZMA/S/08-09/41/700, dated 11/01/2010 from the said Authority that the permission granted to you vide NO. GCZMA/S/08-0 41/70, dated 17/4/2009 kept in obeyance till the disposal of the said matter.

It is Pertinent to note that this Panchayat has issued the said Construction licence for proposed Repairs and Renovation based on Clearence given by the said Authorities.

Further, this Panchayat also received a letter dated 7/1/2010 from Concerned Ward Member, Mr. Jose Fernandes regarding objection for issuing of licence to Mr. Snowkon Gonsalves in Sy.No.54/4-A of Colva Village for Repair & Renovation of structure, Compound wall & Well, seeking revocation if your said Const. licence.

The above mentioned correspondence was placed before the Panchayat meeting held on 22/2/2010 and upon going through the same, It is Unanimously decided to issue a Show Cause Notice

Cont....

(57)

Ph:- 2788485

Office of the Village Panchayat

Sernabatim, Vanelim, Colva & Gandaulim

Salcete - Goa. Pin Code 403 708

Ref. No. VP / SVCG / ___

Date 4/3/2010

Cont.....

for revocation of Construction licence of Repairs & Renovation of structure, Compound wall & Well in Sy.No.54/4-A, Village Colva. Till such time, the Permission/Const. licence granted to you Vide No.VP/SVCG/Const.65/09-10/2130, dated 6/1/2010 is hereby held in abeyance.

Further, You are directed to produce the Original Const. licence issued by this Office alongwith approved plan.

I, Therefore, V.P Secretary hereby call upon to show cause within 7 days as to why the Const. licence granted to you should not be revoked, failing to submit your reply alongwith the required documents, then this Panchayat will come to the Conclusion that you have no Justification to provide nor produce any documents and the Authority shall proceed to issue final directions without any further notice.

Yours faithfully

SECRETARY
Village Panchayat
SERNABATIM, VANELIM,
COLVA & GANDAULIM

OFFICE OF THE VILLAGE PANCHAYAT SERNABATIM, VANELIM, COLVA & GANDAULIM

58

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 679 OF 2010

SHRI. SNOWKON GONSALVES ... Petitioner
Versus
GOA COASTAL ZONE MANAGEMENT AUTHORITY THROUGH ITS MEMEBER SECRETARY, ... Respondent

Mr. G. Teles, Advocate for the petitioner.

Coram:- D. G. KARNIK &
F. M. REIS, JJ.

Date:- 11th October, 2010

P.C.:-

1. We have perused the letter dated 11th January, 2010 impugned in this writ petition. The letter refers to the orders of this Court and also the orders of the Supreme Court. Copy of the order of the Supreme Court is not annexed to the petition. On being asked why the copy of the order of the Supreme Court is not produced, the learned Counsel for the petitioner states that the petitioner is in possession of the copy and the petitioner can produce the copy, if necessary.

2. We feel that this is a deliberate attempt by the petitioner to hide the copy of the Supreme Court from being furnished to this Court, which cannot be tolerated. Hence, the petition is dismissed with liberty to the petitioner to file a fresh petition by annexing all the necessary copies.

D. G. KARNIK, J.

F. M. REIS, J.

ANNEXURE A 59

IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITIONS NO.76/1995 AND 237/1999.

WRIT PETITION NO. 76/95.

Shri Felix Menino Jesus Serrao,
resident of Colva, Salcete, Goa. ... Petitioner.

Versus

1. State of Goa,
through Chief Secretary,
Secretariat, Panaji, Goa.

2. The Town & Country Planning
Dept., Panaji, Goa.

3. The Sarpanch,
Village Panchayat of Colva,
Colva, Salcete, Goa.

4. Smt. Piedade Filomena Gonsalves,
resident of Colva, Salcete, Goa. ... Respondents.

Shri S.S. Kantak, Advocate for the Petitioner.

Ms. W. Coutinho, Government Advocate for Respondents No.1 and 2.

Shri E.P. Lobo, Advocate for the Respondent No.3.

Shri V.A. Lawande, Advocate for the Respondent No.4.

WRIT PETITION NO. 237/99.

Smt. Piedade Filomena Gonsalves,
resident of Colva, Salcete, Goa. ... Petitioner.

Versus

1. State of Goa,
through its Chief Secretary,
having office at Secretariat,
Panaji, Goa.

2. Goa Coastal Zone Management
Authority, through its Member
Secretary, having office
at Saligao, Bardez, Goa.

3. Town & Country Planning Dept.,
through the Senior Town Planner/
Chief Town Planner,
having office at Panaji, Goa. ... Respondents.

HIGH COURT OF JUDICATURE AT BOMBAY PANAJI BENCH *GOA*

Shri V.A. Lawande, Advocate for the Petitioner.

Ms. W. Coutinho, Government Advocate for the Respondents No.1 and 3.

CORAM: R.K. BATTA,
R.M.S. KHANDEPARKAR, JJ.

DATE: 2ND MARCH, 2000.

ORAL JUDGMENT: (PER BATTA, J.)

The petitioner in Writ Petition No.76/95 seeks directions to respondent no.3 to act in pursuance of Notices dated 24th February, 1994 and 16th February, 1995 to demolish the compound wall and the building illegally constructed by the respondent no.4. In Writ Petition No.237/99 the petitioner (who is respondent no.4 in Writ Petition No.76/95) seeks quashing and setting aside of Order dated 2.2.99 passed by respondent no.3 therein and for directions to respondent No.2 to consider the regularisation of the petitioner's structures in Survey No.54/4 and 51/2. The controversy in the two petitions centres around the same property and, as such, the petitions were taken up together. Learned Advocate for the Petitioner in W P No.237/99 had requested on 27.9.99 to take up this Petition alongwith W.P. No.76/95 and, as such, arguments on merits in respect of both the petitions were heard.

2. In Writ Petition No.76/95 the petitioner contends that the property of respondent no.4 under

survey 54/4 is situated within less than 200 metres from the High Tide Line and that respondent No 4 has made construction of compound wall, dug a well and constructed a building in the said property without obtaining any permission or licence and that respondents no.2 and 3 have already rejected the plans for construction of compound wall and the well. It is further the case of the petitioner that inspite of the fact that respondent no.3 has issued notices for demolition of compound wall and the building, the respondent no.3 is not taking any action to demolish the same. According to the petitioner, the respondent no.4 had escavated sand dunes for the purpose of the said construction.

3. Respondent No.4 filed affidavit dated 23rd June, 1995 in which it was contended that the property in question had already a construction consisting of laterite pillars covered by palm leaves and thatched roof used partly to store coconuts and partly for residence during summer for sea bathers. It was further urged by respondent no.4 that in front of petitioner's plot that is between the petitioner's plot and the sea beach, there are residential houses and also a hotel. Respondent No 4 admitted in this reply that the property in question which is purchased by her consists mainly of sand dunes. According to

respondent No.4 she wanted to convert the existing hut into residential rooms and she was told that since the structure was existing, it was not necessary to apply for conversion and not to take any permission or licence for the said purpose. Subsequently by application dated 19th November, 1994, the respondent no.4 applied for regularisation of the constructions and for necessary licence. But no order on the same has been passed by the authorities. According to respondent No.4 the construction done by her is required to be regularised. Subsequently, respondent No.4 filed additional affidavit on the ground that certain subsequent developments had taken place and certain additional facts were required to be placed on record. Accordingly, in this affidavit, it was stated that the respondent No.4 had not excavated any sand dunes in the suit property. It was specifically stated in this reply that the construction put up by respondent No.4 is beyond 200 metres of HTL and that the Order dated 20.10.95 by the Goa State Coastal Committee of Environment had never been communicated and it is only on 2.2.99 that the said Order was communicated which is sought to be challenged by filing Writ Petition No.237/99. In this affidavit, it was also stated that the construction in Survey No.54/4 was started on 13.7.94 and completed on 17.8.94.

4. In Writ Petition No.237/99 the challenge to Order dated 2.2.79 passed by respondent No.3 therein is that the said Order has been passed in violation of the principles of natural justice; that there always existed a structure of thatched roof of laterite stones pillars which was used by sun bathers and visitors; that the construction of the building in place of the said structure was started on 13.7.94 and completed on 17.8.94 and that the said structure of the petitioner is 200 metres away from HTL. It was also urged in this petition that the application for regularisation has not been disposed of.

5. Respondent No.3 has filed affidavit in this petition stating that the representation dated 17.5.95 and 11.7.95 of the petitioner was discussed in the 8th GSCCE meeting held on 20th July, 1995 and on the said day the Sub-Committee decided to inspect the site and after inspection of the site, decision was taken in the matter on 20.10.95 which was communicated to the petitioner, by letter dated 8.12.95 against which the petitioner never reacted. It is specifically urged by respondent No.3 that in order to create a cause of action, the petitioner has maliciously misled the respondent to give her a fresh copy of the decision taken by GSCCE at the 9th meeting held on 20.10.95.

According to respondent No 3 the construction is completely illegal inasmuch as no permission or licence has been secured from the respondents nor from the Colva Village Panchayat. It was also stated that the structure is on sand dunes and it is within 200 metres from HTL.

6. In rejoinder, the petitioner has affirmed that Order dated 20.10.95 was never communicated to the petitioner and respondent No.3 has produced xerox copy of the outward register wherein the said letter dated 8.12.95 is shown to have been despatched to the petitioner.

7. We have heard learned Advocates, appearing in the matter. Learned Advocate Shri S.S. Kantak has taken us through the facts of the case and has submitted that the constructions made by the petitioner are without any licence and without obtaining permission from the authorities concerned and that the constructions are within 200 metres of the HTL and that the constructions have been made on the sand dunes which is not permissible as Per CRZ Regulations. He also pointed out that the change of stand by Respondent No.4 in Writ Petition No.76/95 and in this connection has drawn our attention to the two affidavits filed by the respondent No.4. After

JUDICATURE AT BOMBAY PANAJI

drawing our attention to the said affidavits, it is urged that though the respondent No.4 had admitted in the first affidavit that the construction had been stopped after the notice dated 26.11.94 was received, but in the second affidavit the respondent No.4 has stated that the construction had already been completed by 17.8.94. Shri Kantak also drew our attention to CRZ Regulations and pointed out that Colva has been classified as CRZ III, except sand dunes which are classified as CRZ I and that in CRZ III there are restrictions on the constructions to which our attention has been drawn by him. He therefore contends that the constructions in question are liable to be demolished.

8. Learned Addl. Government Advocate Ms. W. Coutinho, pointed out before us that the demolition notices have already been issued. She further urged that the decision taken by GSCCE on 20.10.95 was communicated to the petitioner by letter dated 8.12.95 against which respondent No 4 never reacted and belatedly sought to challenge the said order on the ground that the same was not received.

9. Learned Advocate Shri Lobo, appearing for respondent No.3 stated that notices for demolition have already been issued

10. Learned Advocate Shri V A. Lawande, appearing on behalf of respondent No.4 in Writ Petition No 76/95 and for the petitioner in Writ Petition No.237/99 strenuously urged before us that the construction in question does not fall within 200 metres of HTL; that HTL has still not been demarcated; that the structure existed in the property in question and the petitioner in Writ Petition No.237/99 had merely repaired the said structure; that the petitioner Piedade Gonsalves is entitled to regularisation of this construction in question in view of amended Rule 3 of the Goa, Daman and Diu Village Panchayat (Regulation of Buildings) Rules, 1985 and that the application for regularisation has not been disposed of by the authorities so far. He, therefore, contends that the decision taken by GSCCE is required to be set aside. Besides this, it is pointed out that the said GSCCE is neither a statutory body nor it is in existence now.

11. We had given liberty to the petitioner Piedade Gonsalves to place before us material in order to substantiate her contention that the construction in question is liable to be regularised in accordance with Rules and Regulations. This opportunity was given since the petitioner Piedade Gonsalves had alleged that no opportunity was given by the GSCCE before decision was taken by them to the effect that

the construction in question could not be regularised and that the principles of natural justice have been violated.

12. The central question which is required to be dealt with in these petitions is whether the constructions put up by Piedade Gonsalves are in accordance with the Rules and Regulations. The said Piedade Gonsalves had in categorical terms admitted in affidavit dated 23rd June, 1995 that the suit property consists mainly of sand dunes. It was nowhere specified in the said reply or the reply filed thereafter or any other document placed for the purpose of regularisation as to which part of the property consisted of sand dunes. This was absolutely essential since Piedade Gonsalves had herself admitted that the property in question consisted mainly of sand dunes. It is also to be noted at this stage that the construction of the compound wall, the well and the construction of the building in survey No.54/4 does not have any permission nor any licence from any authority. According to Piedade Gonsalves there already existed a structure in the suit property and the said petitioner had merely repaired the same. The details of the said structure, the location of the said structure, the extent of the said structure was nowhere specified by the petitioner Piedade Gonsalves.

Besides this, a bare look at the photographs produced by the petitioner Felix Serrao which are at page 23 clearly show that it is not a case of repairs, but it is a case of total reconstruction. The photographs at page 22 of the petition show the existence of sand dunes, cutting and levelling of the sand dunes. The photos have not been disputed though it is stated in Para 2 of affidavit dated 25.6.99 filed in W.P. No.76/95 that photos are clicked at a particular angle so as to create an impression that the structure is on sand dunes which have been cut. The photos speak for themselves.

13. Besides this, the case of the authorities as well as the petitioner Felix Serrao is that the construction is within 200 metres of HTL. This was disputed by Piedade Gonsalves and her case is that the property in question as well as the structures are beyond 200 metres away from the HTL. Here again it is not disclosed by Piedade Gonsalves as to how far away is the suit property from the HTL, except for saying that it is beyond 200 metres of HTL. At this stage, it is relevant to note that as per CRZ Regulations, the village of Colva has been classified as CRZ III, except sand dunes which are classified as CRZ I. In CRZ III, the area upto 200 metres of HTL has been earmarked as 'No Development Zone' and no construction

is permitted except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density and for permissible activities under the notification including facilities essential for such activities. Development of vacant plots between 200 and 500metres of High Tide Line in designated areas of CRZ-III with prior approval of Ministry of Environment and Forests (MEF) is permitted for construction of hotels/beach resorts for temporary occupation of tourists/visitors subject to the conditions as stipulated in the guidelines at Annexure-II. The guidelines impose further restrictions on development of vacant plots between 200 and 500 metres of HTL. Though the petitioner Piedade Gonsalves has stated that her construction is beyond 200 metres of HTL, yet she has nowhere disclosed that the structures are beyond 500 metres of HTL. Therefore the restrictions in respect of the vacant plots would be directly applicable to the suit property in question and no construction in such area can be carried out without prior approval of the Ministry of Environment. No such approval has been obtained by the petitioner Piedade Gonsalves from the Ministry of Environment and Forests.

14. It is also pertinent to note that the petitioner Piedade Gonsalves has been changing her

stand in the matter from time to time. In the affidavit dated 23rd June, 1995, it was categorically stated in para 13 that the petitioner Piedade Gonsalves had stopped the work of construction on the receipt of notice dated 26.11.94 which means that the construction had not been completed till then. However, inspite of the said stand, petitioner Piedade in subsequent affidavit dated 25th June, 1999 changed her stand and stated that the construction in survey No.54/4 had been started on 13.7.94 and had been completed on 17.8.94. This stand is totally contrary to the material on record.

15. The petitioner Piedade Gonsalves had filed applications dated 17th May, 1975 and 11th July, 1995 for the purpose of approval of the construction in question. The GSCCE which was the competent body at that time had in the 8th Meeting held on 20th July, 1995 had decided that the sub-committee shall inspect the site. The site was duly inspected and it was found that the construction in question falls within 200 metres of the HTL and the construction had been carried out on existing sand dunes. In view of the said site inspection report, a decision was taken by the GSCCE in its meeting on 20th October, 1995 to the following effect :-

" Item No.45:- Proposed construction and

regularisation of existing building in Sy. No.54/4 at Colva village by Smt. Piedade F. Gonsalves.(DJ/6030)

This case was placed in the last 8th G.S.C.C.E. Adjourned meeting held on 20/7/95. The Committee had decided to inspect the sit. Accordingly the site has been seen by the G.S.C.C.E. Sub-Committee on 12/9/95 and it was observed that :

1) The applicant has proposed for regularisation of building newly constructed sand dunes.

2) The applicant has already constructed partly i.e. 9 rooms are constructed which are also not as per the site conditions.

3) The portion to be constructed i.e. common room and rooms with 4 toilets with porch is to be done on the existing sand dunes. The said dunes partly have been already cut and flattened by the applicant.

4) The site plan submitted does

not tally as per the site condition. The applicant already carried out partly construction of compound wall. The existing building which is constructed does not have required side set back. The completed building provided flat terrace.

5) The entire existing and proposed construction falls under Cultivable land as per the Regional plan and within the 200 mts. from H.T.L.

The G.S.C.C.E. agreed to the above observations of the Sub-Committee."

16. This decision is said to have been conveyed to the petitioner Piedade Gonsalves vide letter dated 8.10.95, but the fact that it was conveyed is disputed by the petitioner Piedade Gonsalves and respondent no.3 has placed before us the outward register by which this letter was despatched to the petitioner

CATURE AT BOMBAY PANA

Piedade Gonsalves. Thus, in effect the request of the petitioner Piedade Gonsalves for approval as well as for regularisation of the construction in question, has been duly considered by the competent Committee. Besides this, the petitioner Piedade Gonsalves has not been able to satisfy us that the constructions in question are liable to be regularised. As we have already pointed out, the constructions have been done without obtaining any permission or licence or prior approval of the Ministry of Environment and Forests, as required under the CRZ Regulations. The constructions in question are totally illegal and, as such, are liable to be demolished.

17. For the aforesaid reasons, the Writ Petition No.76/95 is allowed and the compound wall, well and the building falling in Survey Nos.51/1, 51/2 and 54/4 are ordered to be demolished. Respondent No.3 shall therefore take necessary action in that regard. Rule is accordingly made absolute in the aforesaid Writ Petition. The interim order dated 24.7.95 is hereby vacated. In the facts and circumstances, the costs shall be borne by respondent No.4 in Writ Petition No.76/95.

12 Writ Petition No 207/00 is dismissed with costs

(R.K. BATTA)
JUDGE.

(R.M.S. KHANDEPARKAR)
JUDGE.

...ATURE AT BOMBAY PANAJI BENCH

IN THE HIGH COURT OF BOMBAY AT GOA.

Writ Petition NO. 236 OF 2010.

Goa Foundation through its
Secretary, Dr. Claude Alvares .....Petitioner.

Versus

Village Panchayat of Colva through
its Sarpanch, Colva Goa and ors. .....Respondents

Ms. Norma Alvares Advocate for the petitioner.

Mr. Pavithran A. V., Advocate for respondent no.1.

Mr. S. Vahidulla, Government Advocate for respondent no. 2.

Mr. G. Teles, Advocate for respondent no.3.

Coram:- A. S. OKA &
F. M. REIS, JJ.

Date:-10th August, 2010.

P.C.

We have heard learned Counsel appearing for the Petitioner. We have heard learned Counsel appearing for the first Respondent . We have heard learned counsel appearing for the third respondent and learned Government Advocate for the second respondent. The basic grievance in this petition is as regards non compliance of the Judgment and order dated 2nd March, 2000 passed

by this Court in earlier Writ Petitions. The said Judgment and order dated 2nd March, 2000 has been passed in Writ petition no. 76/1995 and Writ Petition no. 237/1999. Writ Petition no. 237/1999 was filed by the predecessor of the third respondent. The operative part of the Judgment and order dated 2nd March, 2000 reads thus:-

> For the aforesaid reasons, the Writ Petition no. 76/95 is allowed and the compound wall, well and the building falling in survey no.51/1, 51/2 and 54/4 are ordered to be demolished. Respondent no. 3 shall therefore take necessary action in that regard. Rule is accordingly made absolute in the aforesaid Writ Petition. The interim order dated 24.7.95 is hereby vacated. In the facts and circumstances, the costs shall be borne by respondent no. 4 in Writ Petition no.76/95.

2. The prayer in this Writ Petition is for issuing a direction to the first respondent to forthwith demolish the construction namely, building, compound wall and well falling in survey no. 51/1, 51/2 and 54/4 which were directed to be demolished vide order dated 2nd March, 2000.

3. The contention of the first respondent village panchayat is that the new structure constructed in 1994 which was the subject

matter of Writ Petition no. 76/1995 has been demolished. The third respondent has filed a reply dealing with the averments made in the petition. In the reply a reference has been made to special leave petition filed by the predecessor of the third respondent for challenging the Judgment dated 2nd March, 2000. The stand taken in the reply is that there is no structure standing in survey no. 54/4 which was directed to demolished in the aforesaid writ petition no. 76/1995. In the additional affidavit it is contended that the structure which is standing on as on today in the property bearing survey no. 54/4-A is not the structure which was directed to be demolished by Judgment and Order dated 2nd March, 2000. In paragraphs 3 and 4 of said additional affidavit third respondent has stated thus:-

> Paragraph 3:- I say that the present structure in survey no. 54/4-A was existing prior to 1975 and in the year 1975 construction licence was applied for the purpose of carrying out extension to the existing house, compound wall and well.
>
> Paragraph 4:- I say that total area of the property bearing survey no. 54/4 is approximately 11, 818 sq.mts belonging to several persons and has several structures constructed on it and the plot of the respondent no. 3 bearing survey no. 54/4-A ameasures 1, 385sq.mts.

4. Considering the controversy raised in the petition we had called for the papers of disposed of Writ Petition no. 237/1999 and Writ Petition no. 76/1995. In the said Writ petition no. 76/1995, the prayer made was for commanding village panchayat to act in pursuance to the notices dated 24th February, 1994 and 16th February, 1995 to demolish the compound wall and the building illegally constructed by the respondent no. 4. As stated earlier, the respondent no. 4 therein is the predecessor of the third respondent in the present petition.

5. Perusal of the material averments made in the Writ Petition no. 76/1995 shows that the petitioner therein was claiming to be the owner of a part of the land bearing survey no. 54/4 and claimed to have purchased the said part vide sale deed dated 21st February 1994. There is a plan annexed to the said Writ Petition as Exhibit "A". It is stated in the petition that plot "A" shown on the said plan and access shown thereon have been purchased by fourth respondent therein by sale deed dated 6th August, 1993. The allegation made in the said petition is that the fourth respondent therein started construction of a building in the month of October/November, 1994

on the said property. It is stated that construction was carried out after excavating sand dunes. At page 23 of the said Writ Petition, photographs of the offending construction of the building made by the fourth respondent have been annexed. It will be necessary to see the reliefs claimed by the predecessor of the respondent no. 3 herein in her Writ Petition no. 237/1999. The relief claimed in the said Writ Petition was for protecting the construction. It is not in dispute that the judgment and order dated 2nd March, 2000 passed by the Division Bench of this Court has attained finality. In the judgment of this Court, a reference has been made to the report of the sub committee of the GSCCE which recorded that 9 rooms have been constructed by the predecessor of the third respondent herein. The operative part of the judgment and order is crystal clear which we have already quoted. This Court directed demolition of compound wall, well and building in survey no. 51/1, 51/2 and 54/4.

6. Now the stand taken by the third respondent in the affidavit and the additional affidavit is that his plot bearing survey no. 54/4-A admeasures 1385sq.mts. The stand categorically taken by the first respondent is that judgment and order dated 2nd March, 2000 of this Court has been complied with. However, except for letters

allegedly written by the fourth respondent and petitioner in Writ Petition no.76/1995, no other authentic document such as panchanama recorded by the first respondent panchayat or photographs have been placed on record to prove that the building was demolished.

7. As the aforesaid judgment and order has attained finality, this Court will ensure the compliance of the said order. Apart from the clear description of the structure to be demolished in paragraph 17 of the judgment, the averments made in the Writ Petition no. 76/1995 show that the construction of the illegal building was carried out on a plot marked as plot "A" on the plan annexed as exhibit "A" thereto. Moreover, on the page 23 of the said petition, photographs of the offending structure have been annexed. The second respondent, the Goa Coastal Zone Management Authority will have to identify the plot "A" shown on the plan at exhibit "A" annexed to the Writ Petition no.76/1995 and the building constructed thereon. The said Authority will also consider the photographs of the structure on page 23 of the said Writ Petition. It is not the case of the first respondent that subsequent to the decision of this Court, any permission has been granted to erect any structure on property subject matter of the earlier Writ Petitions. After the plot 'A' and the structure thereon is identified,

the first respondent will have to undertake and complete the exercise of demolition of structure/building found on said plot "A" within a period of two months. The first respondent, if necessary, will have to requisition of services of demolition squad. A xerox copy of the Writ Petition no. 76/1995 alongwith the annexures thereto duly authenticated by the appropriate officer of registry of this Court shall be supplied to the second respondent within a period of two weeks. Time of two months provided in the order will operate from the date on which demarcation is made by the first respondent.

8. Hence we disposed of petition by passing following Order:-

(i) The second respondent shall identify and demarcate the plot "A" shown on plan at exhibit "A" in Writ Petition no. 76/1995.

(ii) After aforesaid plot 'A' is identified and demarcated by the second respondent, the first respondent shall demolish the structure/building standing on the said plot "A" within a period of two months from the date on which the demarcation is made. It will be open for the first respondent to requisition of services of demolition squad from the office of Deputy Collector. The Office of the Deputy Collector will expeditiously provide the squad on requisition made by the first respondent.

(iii) A copy of writ petition no.76/1995 alongwith annexures thereto duly authenticated by the appropriate officer of the Registry shall be supplied to the second respondent.

(iv) The exercise of identifying and demarcating the plot "A" shall be carried out by the second respondent within a period of six weeks from the date on which a copy of writ petition no.76/1995 is supplied.

(v) At the time of carrying out the demolition, the concerned officer of the second respondent shall remain present.

(vi) The compliance report shall be filed with this Court by the first and second respondent on or before 31.12.2010. A copy of the report shall be supplied to the Advocate for the petitioner.

A. S. OKA, J.

F. M. REIS, J.

vn*

cable to a licensee. With the aid of the above provision, read with clauses (a) and (b) of sub-section (1) of Section 43-A it can well be inferred that the expression 'any person' used may be persons or bodies discharging the functions of generation, transmission, distribution or supply of electricity. Clause (c) of sub-section (1) of Section 43-A does not envisage a generating company selling/supplying electricity for use in household or domestic purpose or to the small shops, to the show rooms or an individual running a flour mill or a welding workshop etc. Therefore, to assign a wide meaning to the word 'any person', meaning thereby, to any end consumer would be spreading the meaning too wide going beyond the subject matter dealt with under the Supply Act and not connected with the intent and object of legislating the said legislation. It is true that as a general principle a plain meaning is to be attached to a word or expression used in the legislation but it cannot be divorced of the context and an isolated meaning attached to it. In such circumstances, it becomes necessary to assign a meaning which may be reasonably and harmoniously derived from the company of the words and phrases preceding such expression. In this view of the matter, it can well be said that the meaning of the expression 'any person' as used in clause (c) of sub-section (1) of Section 43-A denotes such bodies or entities which would further the purpose for which the electricity boards have been constituted. It is for the board to coordinate different activities in discharge whereof to make available the electricity to the licencees, distributors or those who transmit the electricity. It would be reasonable to infer that the consent of the State Government may be necessary to have a contract of sale of electricity generated by it with any of such bodies discharging any of such functions like that of the Board indicated above or any other body or entity established for similar purpose.

55. In view of the finding recorded above regarding meaning of the word 'any person' occurring in clause (c) of sub-section (1) of Section 43-A of the Act, it becomes wholly unnecessary to go into the question as to in fact any consent was given by the State Government, if so, when and the effect of the same for supply of electricity to the sister concern of the participating industries.

56. We, therefore, hold that no licence is necessary for utilization of energy generated by APGPCL and utilized by the participating industries and the concerns holding shares of APGPCL transferred to them by the participating industries to the extent of value of the shares so transferred. It would, however, be necessary to have a licence for supply of energy to the sister concerns. In the result, the appeals are partly allowed and the judgment and order passed by the High Court stands modified in the manner indicated above. Parties to bear their own costs.

Appeal partly allowed.

AIR 2004 SUPREME COURT 3112

(From : AIR 2001 Bombay 294)

R. C. LAHOTI AND
Dr. AR. LAKSHMANAN, JJ.

Civil Appeal Nos. 960-961 of 2002, D/-11-3-2004.

Piedade Filomena Gonsalves, Appellant v. State of Goa and others, Respondents.

Environment Protection Act (29 of 1986), S. 3 — Protection of ecology and environment in coastal area — Issuance of Coastal Regulation Zone Notifications — Raising of construction near coastal area within 200 metres of High Tide Line (HTL) in violation of such notification — Cannot be lightly condoned — Direction by High Court in earlier writ petition in matter of demarcation and determination of HTL based on amendment to Notification — Appellant cannot take benefit of such direction as his construction was completed prior to date of said amendment — No prior permission of authorities obtained before raising construction — Order of High Court for demolition of construction — Proper.

(Paras 5, 6)

Cases Referred: Chronological Paras

Goa Foundation v. State of Goa (1996) Writ Petn. No. 102 of 1996, D/- 25-9-1996 (Bom) 3, 4

Ashok Grover, Sr. Advocate, Ms. Anupama Grover, V.K. Singh, T.N. Singh, Advocates with him for Appellant; T.L.V. Iyer, Sr. Advocate, Ms. A. Subhashini, Advocate with him for Respondents.

JUDGMENT :— The appellant is in pos-

session of a piece of property included in survey No. 54/4 located within the jurisdiction of village panchayat of Colva, Salcete, Goa. It is the appellant's own case, vide para 4 of the writ petition, that earlier there existed a structure of thatched roof supported by laterite stone pillars, which structure was used by sun bathers and visitors. However, in place of old construction, appellant commenced putting up fresh construction which resulted into a pucca building coming up in existence in place of the old structure.

2. The new building is now a structure of laterite stones and cement with a concrete roof. This construction was commenced on 13-7-1994 and completed on 17-8-1994. Two writ petitions came to be filed in the High Court of Bombay at Goa. CWP No. 76 of 1995 was filed by the appellant's neighbour seeking demolition of the construction put up by the appellant. CWP No. 237 of 1999 was filed by the appellant seeking protection of the construction raised by her. The petitioner in CWP No. 76 of 1995 alleged the appellant's construction to be unauthorised and also violative of High Tide Line in Coastal Region Zone within which no construction is permissible. The case of the appellant in writ petition No. 237 of 1999 was that the construction put up by her was beyond 200 metres from High Tide Line, and therefore, permissible and that although the appellant's construction was not supported by permissible and that although the appellant's construction was not supported by previous permissible by the authorities, the same could be regularised. The High Court allowed the writ petition No. 76 of 1995 while dismissing the appellants writ petition No. 237 of 1999. The High Court directed the construction put up by the appellant to be demolished.

3. Feeling aggrieved by the common judgment disposing of the two writ petitions, the appellant has filed these appeals by special leave. The learned senior counsel for the appellant has reiterated the same two contentions which were advanced before the High Court. Forceful reliance has been placed on the judgment of the High Court of Bombay delivered by a Division Bench on 25-9-1996 in Writ Petition No. 102 of 1996 titled The Goa Foundation and another v. State of Goa and others, wherein the High Court has issued directions in the matter of determining the High Tide Line on the basis of Hydrographic charts prepared l Naval Hydrographic Office. The lea ior counsel for the appellant submitte such a direction issued by the Di Bench of the High Court in anothe petition has been accepted by the res ents and therefore, unless and until the Tide Line has been determined in co ance with the direction issued by the Court on 25-9-1996, the construction n by the appellant should not be demoli

4. We do not think that any fault c found with the judgment of the High C and the appellant can be allowed any in exercise of the jurisdiction conferre this Court under Art. 136 of the Cons tion. Admittedly, the construction whic appellant has raised is without permiss Assuming it for a moment that the const tion, on demarcation and measuren afresh and on HTL being determine found to be beyond 200 metres of HTL, writ large that the appellant has indu into misadventure of raising a construc without securing permission from the c petent authorities. That apart, the lear counsel for the respondents has rig pointed out that the direction of the H Court in the matter of demarcation and termination of HTL is based on the ame ment dated 18-8-1994 introduced in notification dated 19-2-1991 entitled Coastal Regulation Zone notification iss in exercise of the power conferred by S tion 3(1) and Section 3(2)(v) of the Envir ment Protection Act, 1986, while the ap lant's construction was completed before date of the amendment and therefore, appellant cannot take benefit of the or dated 25-9-1996 passed in writ petition 102 of 1996.

5. It is pertinent to note that during pendency of the writ petition, the appell had moved two applications, one of wh is dated 11-7-1995, for the purpose of re larisation of the construction in questi Goa State Coastal Committee for Envir ment the then competent body constitu a sub-committee which inspected the s and found that the entire construction rai by the appellant fell within 200 metres the HTL and the construction had been c ried out on existing sand dunes. The G State Coastal Committee for Environme in its meeting dated 20-10-1995, took a d cision inter alia holding that the entire co

struction put up by the appellant was in violation of the Coastal Regulation Zone Notification.

6. The Coastal Regulation Zone notifications have been issued in the interest of protecting environment and ecology in the coastal area. Construction raised in violation of such regulations cannot be lightly condoned. We do not think that the appellant is entitled to any relief. No fault can be found with the view taken by the High Court in its impugned judgment.

7. The appeals are held devoid of any merit and are dismissed accordingly.

Appeal dismissed.

AIR 2004 SUPREME COURT 3114

(From : Gujarat)*

DORAISWAMY RAJU AND ARIJIT PASAYAT, JJ.

Criminal Appeal Nos. 446-449 with 450-452 of 2004 (arising out of S.L.P. (Cri.) Nos. 538-541 with 1039-1041 of 2004), D/- 12-4-2004.

Zahira Habibulla H. Sheikh and another, Appellants v. State of Gujarat and others, Respondents.

(A) Constitution of India, Art. 21 — Criminal law and fair trial — Concept of qua human rights protection, explained — Witness threatened/forced to give false evidence — Not fair trial — Failure to hear material witnesses — Denial of fair trial — Protection of witnesses, a definite role to play by State.

The principles of rule of law and due process are closely linked with human rights protection. Such rights can be protected effectively when a citizen has recourse to the Courts of law. It has to be unmistakably understood that a trial which is primarily aimed at ascertaining truth has to be fair to all concerned. There can be no analytical, all comprehensive or exhaustive definition of the concept of a fair trial, and it may have to be determined in seemingly infinite variety of actual situations with the ultimate object in mind viz. whether someth was done or said either before or at deprived the quality of fairness to a where a miscarriage of justice has r It will not be correct to say that it is accused who must be fairly dealw wi would be turning Nelson's eyes to th of the society at large and the victims family members and relatives. Each an inbuilt right to be dealt with fa criminal trial. Denial of a fair trial is a injustice to the accused as is to the and the society. Fair trial obviously mean a trial before an impartial fair prosecutor and atmosphere of calm. Fair trial means a trial in wh or prejudice for or against the accus witnesses, or the cause which is beir is eliminated. If the witnesses get thre or are forced to give false evidence th would not result in a fair trial. The fa hear material witnesses is certainly of fair trial.

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The State has a definite role to protecting the witnesses, to start v least in sensitive cases involving th power, who has political patronage an wield muscle and money power, to ave getting tainted and derailed and tru coming a casualty. As a protector of zens it has to ensure that during a t Court the witness could safely depose without any fear of being haunted by against whom he has deposed. In a form the reluctance and the hesitat witnesses to depose against people muscle power, money power or po power has become the order of the ultimately truth is to be arrived at, th and ears of justice have to be protec that the interests of justice do not get pacitated in the sense of making th ceedings before Courts mere mock tri are usually seen in movies.

(Paras 3

(B) Criminal P.C. (2 of 1974), S. 3 Evidence Act (1 of 1872), S. 165 — ministration of justice vis-a-vis a fai — Presiding Judge must not be a sp tor and a mere recording machine — should play active role in evidence lecting process — And elicit all rele materials necessary for reaching corerct conclusion, to find out trut

In a criminal case the fate of the pro

*Cri. M.A. No. 10315 of 2003 in Cri. R.A. No. 583 of 2003, D/- 19-12-2003 (Guj) and Cri. A. No. 956 of 2003 with Cri. M.A. Nos. 7677, 9825 of 2003, D/- 26-12-2003 (reported in 2004 Cri LJ 771 (Guj)).

DV/DV/S100247/2004/BNG/CSL/17971/2004

IN THE HIGH COURT OF BOMBAY AT GOA.

Writ Petition No. /2010

Shri Snowkon Gonsalves
r/o H. No. 122/1,
Second Ward,
Colva, Salcete, Goa

.... Petitioner

V/s

Goa Coastal Zone Management
Authority (through) its Member
Secretary, Saligao, Bardez, Goa .... Respondent

AFFIDAVIT

I, Shri Snowkon Gonsalves son of Robert Gonsalves, major of age, Indian National, residing at House No.122/1, Second Ward, Colva, Salcete Goa, the Petitioner above named do solemnly state on oath and affirm as under:

I say that contents in paragraphs _____

_____ of the above writ petition is true to my own knowledge and belief and the contents of paragraphs _____ are in nature of legal submission which I believe to be true.

Solemnly verified at Panaji on this 22nd day of September, 2010.

_____
Deponent

Identified by:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

GOA BENCH, AT PANAJI

Writ Petition No.734 of 2010

Shri Snowkon Gonsalves)... Petitioner

v/s

Goa Coastal Zone Management Authority & ors)... Respondents

COUNTER-AFFIDAVIT OF GOA FOUNDATION (RESP. NO. 2)

I, Dr Claude Alvares, Indian national, age 62 years, authorised representative of the Respondent No. 2 abovenamed, do solemnly state on oath as under:

1. I have received a copy of this writ petition on 6th January 2011. I am opposed to the grant of any reliefs sought by the petitioner as both the communication dated 11.1.2010 and the show cause notice dated 7.1.2010 have been issued by the Goa Coastal Zone Management Authority (GCZMA) because the authority was convinced that the petitioner had deliberately misled it into granting approval for the same structures (building, compound wall and well) which were directed to be demolished by the High Court by order dated 2-3-2000 (page 59 of the petition), appeal against which was dismissed by the Supreme Court by order dated 11-3-2004 (page 75 of the petition).

2. Pursuant to filing of W.P No 236/2010 by this respondent for non-compliance with the aforesaid orders of the Supreme Court and the High Court, this Hon'ble Court disposed of W.P No 236/2010 by Order dated 10-8-2010 (page 77A of the petition) wherein it was directed that compliance report in regard to identification of survey and demolition of structures be filed by the GCZMA (Resp. No 1) and the Village Panchayat of Colva on or before 31-12-2010. No compliance report has been filed either by the Resp. No.1 or by the village panchayat.

3. I say that Contempt Petition has already been filed by me in respect of non-demolition of these structures which are located on Plot 'A' of Survey No. 54/4 of Colva village.

4. I say that the present petition is one more subterfuge to avoid the demolition of the impugned constructions which were bound to be demolished in the year 2004, after the Supreme Court dismissed the appeal filed by the petitioner's predecessor.

5. I therefore submit that until compliance report in terms of Order dated 10 August 2010 is produced before this Hon'ble Court, no order or directions should be issued either staying or quashing the show cause notice of Resp. No 1 or directing the authorities to consider any application from the petitioner for construction / reconstruction / repairs of any structure in Sy No 54/4 or Sy No 54/4-A, as the structures to be demolished are on the same survey number.

6. I say that the conduct of the petitioner is very similar to the conduct of the petitioner in *DM Belgaumwalla v/s M/s. Tamil Nadu Real Estate Pvt Ltd.* reported in 2010 STPL (web) 989 SC. In that matter, petitioner was able to mislead the High Court into issuing an order which frustrated the implementation of the Supreme Court order. Copy of the said judgment is annexed to this affidavit at ***Exhibit R-1***.

7. I say that I am filing this brief counter affidavit only to ensure that no interim order is passed in this petition which would frustrate the implementation of the Supreme Court judgement dated 11-3-2004 and subsequent High Court order dated 10-8-2010. I crave leave to file an additional affidavit should this Hon'ble Court decide to admit the petition.

Solemnly affirmed at Panaji
this the ___ day of January 2011

Deponent

Exhibit R-1

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2010 STPL(Web) 989 SC
SUPREME COURT OF INDIA

(MARKANDEY KATJU & GYAN SUDHA MISRA, JJ.)

D.M.BELGAMVALA

Petitioner/Applicant

VERSUS

M/S TAMILNADU REAL ESTATES (P) LTD.

Respondent

I.A. No 2 of 2010 in S.L.P (C) No. 13704 of 2010 Contempt Petition No.289 of 2010 in S.L.P.(C) No.13704 of 2010-Decided on 24-11-2010.

Contempt

ORDER

1. This is a typical case of a litigant trying to take this Court for a ride. In this case, the landlord had filed an eviction petition against the petitioner-tenant which had been decreed by the courts below, including the High Court. The eviction was granted on the ground that the building in question is more than 100 years old and needed demolition and fresh construction. The Special Leave Petition (C) No. 13704 of 2010 filed by the petitioner against the order of the High Court was dismissed by this Court by order dated 14.05.2010 and the petitioner (tenant) was granted six months time from 14.05.2010 to vacate the premises in question subject to filing usual undertaking before this Court. The petitioner had furnished the undertaking to vacate the premises in question as directed by this Court. Despite this undertaking, the petitioner has not vacated, and instead he has filed this application on 12.11.2010 praying for a direction that the petitioner need not vacate the suit premises till the final orders passed in the Review Petition or in the alternative grant stay of dispossession of the petitioner from the suit premises. In our opinion, this application is a sheer abuse of the process of the court. Along with the application an order dated 18.06.2010 of the Commissioner, Corporation of Chennai has been filed purporting to revoke the permission to demolish the property in question. We are of the opinion that the Commissioner, Corporation of Chennai is hand-in-glove with the petitioner and it is for this reason that he has passed this collusive and contemptuous order dated 18.06.2010 merely to get over our order dismissing the Special Leave Petition on 14.05.2010. Issue contempt of court notice to the Commissioner, Corporation of Chennai as well as to the petitioner in this case to show cause why they should not be punished for contempt of court for trying to take this Court for a ride and set at naught our order dated 14.5.2010. We further direct that the petitioner be evicted from the premises in question forthwith by using police force ignoring the order of stay of eviction which we are informed has been passed by the High Court. If the petitioner or anyone tries to obstruct this order, he should know now that he will definitely be sent to jail. There is a limit of tolerance by this Court and the petitioner has crossed that limit. We are informed that the petitioner had, long after we dismissed the Special Leave Petition on 14.05.2010, approached the Madras High Court and obtained a stay of eviction. We are surprised that the Madras High Court has flouted the order of this Court dismissing the Special Leave Petition on 14.05.2010. This was not expected of the Madras High Court. Judicial discipline requires that the High Courts should not try to override orders passed by this Court. Such defiant attitude of the High Courts will not be

tolerated by this Court. With these observations. the interlocutory application is dismissed. Copy of this order be sent to the Registrar General of the Madras High Court who will place it before the Chief Justice of the High Court. The Registrar General will send a report to this Court mentioning how and why a stay order was granted by the High Court despite our order dated 14.05.2010.

2. Contempt Petition No. 289 of 2010 in Special Leave Petition (C.) No. 13704/2010

3. Contempt Petition is taken on board. We are informed that this contempt petition in the Special Leave Petition (C.) No. 13704/2010 has been filed by the respondent herein. The order passed in the interlocutory application above will also govern this contempt petition. Issue notice. List the contempt petition on 12.01.2011.

IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No. 734 of 2010

Shri Snowkon Gonsalves ... Petitioner

v/s

Goa Coastal Zone Management Authority (through its Member Secretary), Saligao, Bardez Goa & ors. ... Respondents

AFFIDAVIT

I, Michael M. D'Souza, major of age, Indian National, Member Secretary of the Respondent no.1 do hereby on solemn affirmation states and submits as under:

1. I say that I am filing this Affidavit to oppose the Writ Petition. I reserve my right to file an additional Affidavit if required at a later stage. All those paras which have not been specifically denied may not be deemed to be admitted and the Petitioner is put to strict proof thereof.

2. I say that the present petition is an abuse of the process of law and is only filed to overcome the decision of this Hon'ble Court in Writ Petition No. 236/10, Writ Petition No. 76/95 and Writ Petition No. 237/99 and the Hon'ble Supreme Court in Civil Appeal Nos. 960-961 of 2002 dated 11-03-2004 reported in AIR 2004 SC 3112.

3. I say that time and again this Hon'ble Court alongwith the Hon'ble Supreme Court had held that the petitioner's construction is illegal and ought to be demolished.

4. I say that on 29/10/2008, the Petitioner had filed an application for repair and renovation of existing structure and compound wall and well in survey no.54/4-A annexing various documents.

5. I say that after a GCZMA member inspected the site on 12/01/2009, the GCZMA approved the repair and renovation of existing structure compound wall and well vide its order dated 17/04/2009.

6. I say that the Respondent No.2's Director vide his letter dated 17/12/2009 pointed out to this Authority that this Hon'ble Court in Writ Petition no. 76/95 and Writ Petition No. 237/99 had ordered same structures to be demolished and that the present petitioner had even taken the matter to the Supreme Court who dismissed the SLP and the same order is reported in AIR 2004 SC 3112.

7. I say that thereafter this Authority had directed the Petitioner to show cause why the permission granted earlier should not be cancelled for suppression of the High Court and Supreme Court's order.

8. I say that vide a letter dated 11/01/2010 the permission granted to the petitioner was held in abeyance till the show cause notice was decided.

9. I say that in the interregnum this Hon'ble Court vide its order dated 10/08/2010 in Writ Petition No. 236/10 directed the GCZMA to identify the Plot 'A' shown in Exh. 'A' in Writ Petition no.76/95 and directed that the Village Panchayat of Colva take action to demolish the structures standing in the said plot.

10. I say that vide a letter dated 03/01/2011 to the Sarpanch, Village Panchayat of Colva, this Authority has identified the plot 'A' and directed the Village Panchayat to revoke its decision to withdraw the show cause notice

issued for the structures situated in survey No.54/4-A as contemplated in Suo Moto WP No. 2/06. The letter also directed the Village Panchayat to demolish the structures contained in the survey No.54/4-A in terms of the order in Writ Petition No.236/10 dated 10/08/2010.

Annexed hereto and marked as **Exh. A** is the copy of the letter dated 03/01/2011.

11. I say that it was noticed that the Village Panchayat had not taken any action towards demolition as contemplated by this Hon'ble Court's order and therefore a fresh letter dated 14/02/2011 was sent to the Sarpanch, Village Panchayat of Colva to submit the action Taken Report.

Annexed hereto and marked as **Exh. B** is the copy of the letter dated 14/02/2011.

12. I say that it is clear that the construction of the Petitioner's are wholly illegal and there is no question of any permission or repair and renovation of existing structure, compound wall and well being granted.

13. I say that in view of the above fact the petition ought to be dismissed with exemplary costs.

14. I say that what is stated in the above Affidavit is true to my knowledge and based on the records of my office.

Solemnly affirmed at Panaji Goa
On this 23rd day of February, 2011

DEPONENT

Identified by

(Adv. Vivek Rodrigues)

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GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment (Government of Goa)
Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa – 403 511
Phone: (0832) 2407186, 2407187, 2407189 Fax: (0832) 2407186

Ref: GCZMA / S / 08-09 / 41 / 773 *Date:* /12/2010
03/01/2011

To,
The Sarpanch,
Village Panchayat of Colva,
Salcete – Goa.

Sub: Illegal constructions carried out by Mr. Snowkon Gonsalves and Mrs. Piedade Filomena Gonsalves (mother of Mr. Snowkon Gonsalves) in Sy. No. 51/1, 51/2 and 54/4.

Ref: (a) Permission granted by GCZMA for proposed repairs and renovation of the existing structures in Survey No. 54/4-A of Colva Village, Salcete Taluka, vide letters No. (i) GCZMA/S/08-09/41/70 dated 17/04/2009; (ii) GCZMA/S/08-09/41/164 dated 12/06/2009 and (iii) GCZMA/S/08-09/41/310 dated 10/08/2009.

(b) Show Cause Notice u/s 5 of Environment (Protection) Act, 1986; vide No. GCZMA/S/08-09/41/695 dated 07/01/2010.

(c) Letter to Mr. Snowkon Gonsalves, directing that the permission granted at (a) above is withheld; vide Letter No. GCZMA/S/08-09/41/700 dated 11/01/2010.

(d) Order of the Hon'ble High Court of Bombay at Goa in W.P. No. 236 of 2010 dated 10/08/2010 *[Goa Foundation v/s V.P. of Colva & Ors.]*.

(e) Order of the Hon'ble High Court of Bombay at Goa in W.P. No. 76 of 1995 and W.P. No. 237 of 1999 dated 02/03/2000; referred to in Order at (d) above.

(f) Order of the Hon'ble Supreme Court of India in Civil Appeals Nos. 960-961 of 2002 dated 11/03/2004, dismissing the appeals filled by Mrs. Piedade Filomena Gonsalves against the Orders of the Hon'ble High Court of Bombay at Goa referred at (e) above.

Sir / Madam,

On 29/10/2008, one Mr. Snowkon Gonsalves, having address at H. No. 122/1, 2nd Ward Colva, Salcete-Goa; filed an application for repairs and renovation of existing structure, compound wall and well in Sy. No. 54/4-A in Colva Village. To this application, the said Snowkon Gonsalves, attached the copies of the following documents;

(i) Repair and Renovation plan of an elongated rectangular structure admeasuring 9.86 m x 35 m having 08 rooms with 04 attached toilets, having height 5.10 m from ground level. This plan is prepared by an Engineer, Franscisco Mascarenhas bearing Registration No. PWD/Engr.753/2001;

(ii) 02 Photographs;

(iii) Certificate of V.P. of Colva, No. VP/SVCG/2126/2008-09 dated 07/10/08, certifying that house and lighting tax of premises bearing H. No. 293/3, situated in 3rd Ward Colva, Salcete Goa standing in the name of Smt. Piedade A. Gonsalves is transferred and stands registered in the name of Shri Snowkon Gonsalves;

(iv) Copy of the construction licence No. 18/75 of V.P. of Colva for extending the existing house, construction of compound wall and well in favour of Smt. Leonara de Loyala Furtado Fernandes dated 08/04/1975;

(v) A copy of the plan issued by Member Secretary, Town Planning Committee bearing no. DJ/1506/3173/74-75 dated 14/03/1975;

(vi) Form I & XIV of Sy. No. 54/4-A having area 1782 sq. meters, showing the name of Shri Snowkon Gonsalves as Occupant, issued on 29/09/2008;

(vii) A copy of a Public Will (05 pages) drawn on 10/04/2007 before Public Notary, Margao;

(viii) Copy of Letter No. DJ/1506/3173/74-75 dated 14/03/1975, issued by Town Planning Committee addressed to Sarpanch, V.P. of Colva;

(ix) Copy of the Letter dated 26/02/1975 from Asst. Engineer, PWD, Vasco-da-Gama to Senior Town Planner regarding extension of residential house of Smt. Leonara Furtado e Fernandes at Colva;

(x) Tracing of the Survey Plan and photo copy, of Survey No. 54/4-A, showing elongated rectangular structure towards north-west corner of the property with a well and compound wall. This is issued by Inspector of Surveys and Land Records, Margao on 18/11/1998 and traced from P.T. Sheets Nos. 7 and 14 of Colva.;

2. The site was inspected by a GCZMA Member on 12/01/2009 and it was observed that there exists one ground floor structure with a flat RCC slab on the roof within 200 mts of HTL. The proposal was put up before the GCZMA, during the 48th GCZMA meeting held on 21/01/2009 and GCZMA approved the proposal for repair and renovation of the said structure, subject to the condition that the plinth and FAR remains the same. Approval was conveyed vide Letter No. GCZMA/S/08-09/41/70 dated 17/04/2009 with clarifications to Town Planner, Margao vide letter No. GCZMA/S/08-09/41/165 dated 12/06/2009 and amendments vide Letter No. GCZMA/S/08-09/41/164 dated 12/06/2009 and No.GCZMA/S/08-09/41/310 dated 10/08/2009.

3. Dr. Claude Alvares, Director, The Goa Foundation, having Office at G-8, St. Britto's Apartments, Feira-Alta, Mapusa; vide his Letter dated 17/12/2009; brought to the Notice of the Member Secretary, GCZMA, that the subject matter of GCZMA's approval to Shri Snowkon Gonsalves, in respect of repairs and renovation of existing structure, with compound wall and well in Sy. No. 54/4 has been dealt with by the Hon'ble High Court of Bombay at Goa in W.P. No. 76/95 and W.P. No. 237/99 and vide judgment dated 02/03/2000, the same had been ordered to be demolished. The party in the said case was Smt. Piedade Filomena Gonsalves (mother of Shri Snowkon Gonsalves) who filed an appeal before the Hon'ble Supreme Court. The Hon'ble Supreme Court was pleased to dismiss the appeal Dr. Claude Alvares attached a copy of the Hon'ble Supreme Court Order dated 11/03/2004 reported in *AIR 2004 SC 3112.*

4. The GCZMA vide its Show Cause Notice No. GCZMA/S/08-09/41/695 dated 07/01/2010, directed the said Shri Snowkon Gonsalves to Show Cause as to why permission granted should not be cancelled, since the Authority has every reason to believe that he has fraudulently suppressed the aforestated information / facts and has filed an application for repairs and renovation of the existing structures together with compound wall and well, in a bid and attempt to regularize the structures, which have been found to be illegal by the Hon'ble High Court and Hon'ble Supreme Court.

5. The Colva Civic and Consumer Forum, H.No. 257/1, Bagdem Ward 3, Colva; vide Letter No. CCCF/GCZMA/17/2010-11 dated 08/01//2010, objected to the permissions granted to the said Shri Snowkon Gonsalves.

Vide this Office Letter No. GCZMA/S/08-09/700 dated 11/01/2010, the permissions granted to Shri Snowkon Gonsalves vide letters referred in *para (2)* above, were held in abeyance, till the matter regarding the Show Cause Notice dated 07/01/2010 is decided by the Authority.

6. Your office; vide Letter No. VP/SVCG/2493/2009-10 dated 04/03/2010, informed that in reference to the Show Cause Notice dated 07/01/2010 issued by this Authority, the construction licence dated 06/01/2010 issued by V.P. of Colva is held in abeyance.

7. The said Snowkon Gonsalves filed his reply to the Show Cause Notice dated 07/01/2010; vide his letter dated 16/08/2010. In his reply Shri Snowkon Gonsalves has stated that;

i) his Mother has purchased a part of property bearing survey no. 54/4 situated in Colva Village in the year 1993 upon execution of a sale deed with one Mrs. Leonara de Loyola Furtado e Fernandes on 17th November, 1993;

ii) that prior to execution of sale deed said Mrs. Leonara de Loyola Furtado e Fernandes had also entered into agreement of sale on 08.04.1983;

iii) that the said plot was purchased alongwith existing structures which existed since 1975 for which construction licence was granted by the Village Panchayat of Colva vide Construction Licence No. 18/75 dated 08.04.1975 to her predecessor in title Mrs. Leonara de Loyola Furtado e Fernandes;

iv) that the Village Panchayat had issued the construction licence to said Mrs. Leonara de Loyola Furtado e Fernandes after getting approvals from the Town and Country Planning Department vide letter dated 14.03.1975 and NOC from PWD vide letter dated 20.02.1975;

v) that the construction licence was issued by the Village Panchayat of Colva in terms of Resolution No. 34 taken in Panchayat meeting dated 06.04.1975 for the purpose of construction/extension of the existing house, construction of compound wall and a well at 3rd ward, Colva in Survey No. 54/4 as per the approval of the Town and Country Planning Department Committee vide a letter DJ/1506/3173/74-75;

vi) that by Order dated 21.10.1997, the Sub Divisional Officer and Dy. Collector, Sub Division Margao partitioned the part of plot in Survey No. 54/4 and the said plot was issued a new Survey No. bearing 54/4-A;

vii) that the application was made before this authority on 28th October, 2008 seeking repairs and renovation of the existing structures, compound wall and well in survey no. 54/4-A in Village Colva based upon the will executed by his Mother;

viii) that this authority also conducted site inspection of the property bearing survey no. 54/4-A and after perusing the documents annexed alongwith the application for repairs and renovations, had granted approval for repairs and renovations of the existing structures in the 48th GCZMA Meeting held on 20.01.2009;

ix) that the Village Panchayat had accordingly granted construction licence bearing no. VP/SVCG/CONST.65/2009-10/2130 for repairs and renovations of the structure, compound wall and well in survey no. 54/4-A of Village Colva after receiving approval from this authority vide reference no. GCZMA3/08-09/370 dated 10.08.2009 and also approval of Town and Country Planning Department No. TPM/CONST/COLVA/54/4A/09/52/3 by letter dated 22.9.2009;

x) that the Village Panchayat has subsequently kept the licence granted in abeyance vide letter dated 04.03.2010 after the Village Panchayat received Letter No. GCZMA/08/09/41/70 dated 11.01.2010 from this Office, according to which the earlier permission granted by GCZMA vide letter dated 17.04.2009 bearing reference no. GCZMA/3/08/09/41/70 was kept in abeyance till the disposal of the present matter;

xi) that the Hon'ble High Court of Bombay at Goa vide Judgment and Order dated 02.03.2000 in Writ Petition No. 76/1995 was pleased to direct the Village Panchayat of Colva to demolish the compound wall, well and building falling in Survey No. 51/1, 51/2 and 54/4 situated within the limits of Colva Village Panchayat;

xii) that his Mother who was the party Respondent in the aforesaid Writ Petition approached the Hon'ble Supreme Court by way of Special Leave to Appeal (Civil) No. 6853 and 6854 of 2000 with a prayer for interim relief;

xiii) that the Apex Court vide Order dated 01.05.2000 was pleased to issue notice and also directed the parties to maintain status quo with respect to the structures of late Smt. Piedade Filomena Gonsalves (mother of Applicant) which were directed to be demolished by the Hon'ble High Court of Bombay at Goa;

xiv) that the Apex Court granted Special Leave in the Petition filed by his mother vide Order dated 01.02.2002 and further directed that the Order dated 01.05.2000 directing maintenance of status quo to continue in Civil Application No. 9060 and 9061 of 2002. However the Apex Court by Judgment and Order dated 11.03.2004 dismissed the Civil Appeals file by his Mother;

xv) that pursuant to the Order passed by the Apex Court, his Mother vide letter dated 30.11.2004 informed the Village Panchayat of Colva that the structure constructed in the year 1994 which was the subject matter of Writ Petition No. 76/1995 was demolished on 14.11.2004;

xvi) that the wife of Mr. Felix Serrao who was the Petitioner in Writ Petition No. 76/1995 vide her letter dated 22.02.2006 had also informed the Village Panchayat that the new construction carried out between July 1994 and 17th August, 1994 by his Mother was demolished;

xvii) that pursuant to the direction issued by the Hon'ble High Court of Bombay at Goa in Suo Motto Writ Petition No. 2/2006, his mother was issued notices by the Village Panchayat on 10.04.2008 with respect to the structures with a detailed reply dated 29.04.2008 was furnished by his Mother;

xviii) That after considering the reply filed by his Mother and after giving opportunity of personal hearing, the Village Panchayat of Colva in their meeting held on 15.06.2009 had unanimously resolved to withdraw the Show Cause notices issued to his Mother upon considering documentary evidence that the structure standing on Survey No. 54/4-A was constructed prior to 1991;

xix) that in particular even the Apex Court while disposing the Special Leave to Appeal has made reference to the construction carried out by his Mother which commenced in July 1994 and was completed in August, 1994; and

xx) that considering the documentary evidence produced it is evidently clear that the structure for which repairs and renovation has been sought for him was existing even prior to 1975;

Copies of the reference made in his reply have been annexed to his reply. The said Snowkon Gonsalves sought for revoking this Authority's Show Cause Notice dated 07/01/2010 and the letter dated 11/01/2010.

8. However, in the meanwhile the Hon'ble High Court of Bombay at Goa in its Order dated 10/08/2010 in W.P. No. 236 of 2010, directed GCZMA to identify the Plot No. 'A' shown in Exhibit 'A' in W.P. No. 76 of 1995 and directed that V.P. of Colva shall take action to demolish the structure / building standing on the said plot 'A'. The Order of the Hon'ble High Court, clearly recognizes that the structure, compound wall and well in Sy. No. 54/4 (54/4-A) to be illegal.

This Order of the Hon'ble High Court was provided to the GCZMA by the Government Advocate on 30/08/2010.

The records of the Writ Petition No. 76 of 1995 were obtained from the Registry of the Hon'ble High Court of Bombay at Goa on payment of ₹ 352/- vide Receipt No. 002661 dated 06/09/2010.

9. The Authority has perused the judgment of the Hon'ble High Court in W.P. No. 76 of 1995 and W.P. No. 237 of 1999 dated 02/03/2000 and the records of the Court file of W.P. No. 76 of 1995. Para (17) of the Judgment reads as follows.

"For the aforesaid reasons, the Writ Petition No. 76/95 is allowed and the compound wall, well and the building falling in survey no. 51/1, 51/2 and 54/4 are ordered to be demolished. Respondent No. 3 shall therefore take necessary action in that regard. Rule is accordingly made absolute in the aforesaid Writ Petition. The interim order dated 24.7.95

is hereby vacated. In the facts and circumstances, the costs shall be borne by Respondent No. 4 in Writ Petition No. 76/95."

Respondent No. 3 is the Village Panchayat of Colva while Respondent No. 4 is Smt. Peidade Filomena Gonsalves.

Exhibit 'A' of Writ Petition No. 76 of 1995, indicates the further sub-divisions of property bearing Sy. No. 54/4 of Colva Village *(copy enclosed)*. The area statement of Plot 'A' is 1782.25 sq. mts. which is in exact agreement with the area contained in Form I & XIV of Sy. No. 54/4-A in the name of Shri Snowkon Gonsalves (Occupant) issued on 29/09/2008 *(copy enclosed)*. The Survey Plan (tracing dated 18/11/1998) *(copy enclosed)* provided to GCZMA and the outline of the Plot 'A' on Exhibit 'A' are also in perfect match.

It is thus beyond doubt that the structures, compound wall and well referred to in W.P. No. 76 of 1995 are the same, which the said Snowkon Gonsalves has indicated in his application before the Authority for which he sought permission for repairs and renovation. It is the same structure and site, which was inspected by the GCZMA Member on 12/01/2009 and for which permissions were granted by GCZMA as referred in *para (2)* above and for which your Office has granted approvals.

10. From the records in the case and in terms of *para (15)* of the Hon'ble High Court Judgment dated 02/03/2000 in W.P. No. 76/95 and W.P. No. 237/99; it is also evident that the erstwhile Goa State Committee on Coastal Environment (GSCCE) has in its meeting held on 20/10/1995, rejected the applications filed by Smt. Piedade Gonsalves for regularizing the said structure / building in Sy No. 54/4 as it was observed that the structures are constructed by cutting and flattening sand dunes and within 200 mts of HTL.

11. By the Order (dated 02/03/2000) of the Hon'ble High Court it is evident that V.P. of Colva was required to initiate action and demolish the said structures / building, compound wall and well in Sy No. 54/4, 51/1 and 51/2.

Further, in the reply of the said Shri Snowkon Gonsalves dated 16/08/2010 *(see para 7 (xvii) and para 7 (xviii) above)*, it is seen that, you have decided to drop the Show Cause Notices issued for the said structures which were issued pursuant to the directions of the Hon'ble High Court in SMWP No. 2 of 2006. It appears that the V.P. of Colva has disregarded the Orders of the Hon'ble High Court in W.P. No. 76/1995 and W.P. No. 237/1999 dated 02/03/2000 and that of the Hon'ble Supreme Court in Civil Appeals 960 and 961 of 2002 dated 11/03/2004.

Further, though Shri Snowkon Gonsalves claims that the structures were demolished *(see para 7(xv) and para 7(xvi) above)*; it is evident that the same still exist and Shri Snowkon Gonsalves is attempting to regularize the same.

12. Considering the facts of the matter as outlined above and the directions of the Hon'ble High Court in W.P. No. 76 of 1995 and W.P. No. 237 of 1999 dated 02/03/2000

and W.P. No. 236 of 2010 dated 10/08/2010; it would be appropriate for the Village Panchayat of Colva to;

i) Revoke its decision to withdraw Show Cause Notices issued for the structures in Sy. No. 54/4-A in the proceedings related to SMWP No. 2 of 2006; and

ii) Demolish the said structures, compound wall and well contained in Sy. No. 54/4-A in terms of the Orders of Hon'ble High Court in W.P. No. 76 of 1995 and W.P. No. 237 of 1999 (dated 02/03/2000) and Orders in W.P. No. 236 of 2010 dated 10/08/2010; and restore the area to its original condition.

GCZMA therefore directs the V.P. of Colva to act accordingly, as above, and file an Action Taken Report to this Authority within a period of one (01) month.

Yours faithfully,

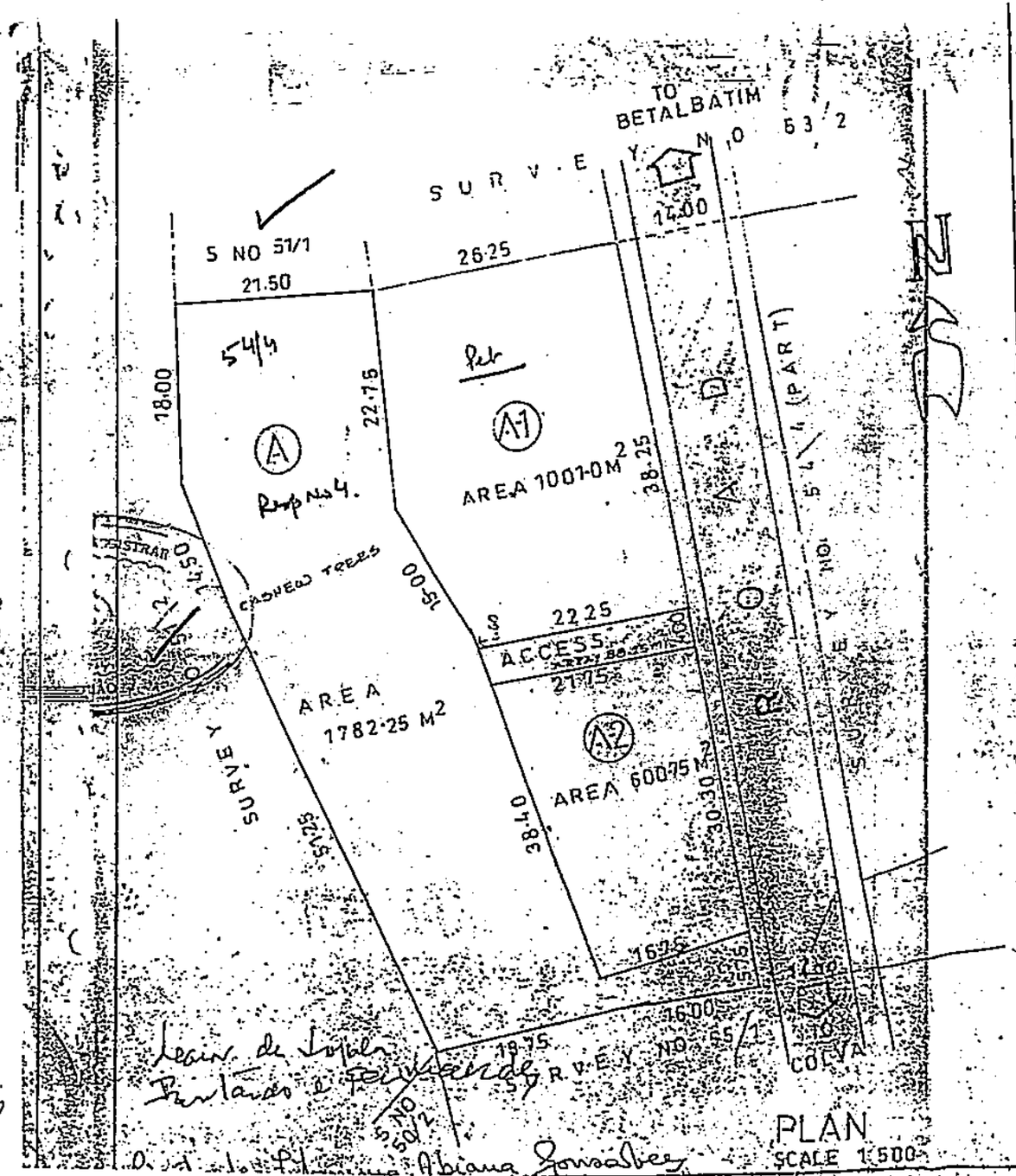
(Michael M. D'Souza)
Member Secretary (GCZMA) &
Director/Ex-Officio, Joint Secretary (STE)

Copy to:-

1. **Shri Snowkon Gonsalves,** H. No. 122/1, 2nd Ward Colva, Salcete-Goa ..... *it is informed that the permissions granted for repairs and renovation to the structures as referred in para (2) above and held in abeyance as detailed in para (5) above; are hereby cancelled and revoked.*
2. **P. A. to Secretary (Environment) & Chairman (GCZMA),** Secretariat, Porvorim-Goa..... *for kind information.*

(Michael M. D'Souza)
Member Secretary (GCZMA) &
Director/Ex-Officio, Joint Secretary (STE)

OK



PLAN SHOWING FURTHER SUB DIVISION OF PLOT 'A' OF THE PART OF PROPERTY SURVEY NO 54 SUB DIV 4 SITUATED AT COLVA, SALCETE

AREA STATEMENT

AREA OF PLOT	(A)	1782.25 SQ.MTS.
AREA OF PLOT	(A1)	1001.00 SQ.MTS.
AREA OF PLOT	(A2)	600.75 SQ.MTS.
AREA OF 4.00 MTS. WIDE ACCESS		88.25 SQ.MTS.
TOTAL:		3472.25 SQ.MTS.

NOTE :

REF : SP/R/1731/1165/92-93
DTD. 7.9.92

AR. PRAKASH V. KAMAT
B.A.(Hons.), B. Arch., M. I. A.
Regn. No. TP/Arch. 211
Council of Arch. CA/75/755

TRACED JOB NO. 4-6
SCALE 1:500 DRG NO 1
DATE 28.7.93

AR. PRAKASH V. KAMAT
B. ARCH. G.D. ARCH. A. I. A.
G.1, AMARVAN VIDYANAGAR
MARGAO - GOA

"Disclaimer Clause : Authenticated copy is not a Certified Copy".

145/c

FORM I & XIV

नमूना नं. १ व १४

Date : 29/9/2008 Page 1 of 1

Taluka तालुका	Salcete	Survey No सर्व्हे नंबर	54
Village गांव	COLVA	Sub Div. No हिस्सा नंबर	4-A
Name of the Field शेताचें नांव	Metade de Prais em Seis Lances	Tenure सत्ता प्रकार	

Cultivable Area (Ha Ars Sq Mtrs) लागण क्षेत्र (हे.आर.चौ.मी.)

Dry Crop जिरायत	Garden बागायत	Rice तरी	Khajan खाजण	Ker केर	Morad मोरड	Total Cultivable Area एकूण लागण क्षेत्र
0000.00.00	0000.13.85	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.13.85

Pot-Kharab पोट खराब

Class (a) वर्ग (अ)	Class (b) वर्ग (ब)	Total Un-Cultivable	Grand Total एकूण
0000.03.92	0000.00.05	0000.03.97	0000.17.82

Remarks शेरा

Assessment : आकार	Rs. 0.00	Foro फोर	Rs. 0.00	Prédial	Rs. 0.00	Rent रेंट	Rs. 0.00

S.No.	Name of the Occupant कब्जेदाराचे नाव	Khata No. खातें नंबर	Mutation No. फेरफार नं.	Remarks शेरा
1	Snowkon Willy Maison Gonsalves		33842	

S.No.	Name of the Tenant कुलाचे नांव	Khata No. खातें नंबर	Mutation No. फेरफार नं.	Remarks शेरा
1	********** NIL **********			

Name of Person holding rights and nature of rights:	Mutation No. फेरफार नं.	Remarks शेरा
********** NIL **********		

Details of Cropped Area पिकाखालील क्षेत्राचा तपशील

वर्ष		Mode रीत	Season मोसम	पिकाचे नांव	Irrigated बागायत Ha.Ars.Sq.Mts	Ha. Ars. Sq.Mt				Remarks शेरा

End of Report

CERTIFIED CO...

Co... 29/9/08

Co...

Co...

To... 10/-

Cash

Vide Receipt No. 355/20 Dated 29/9/08

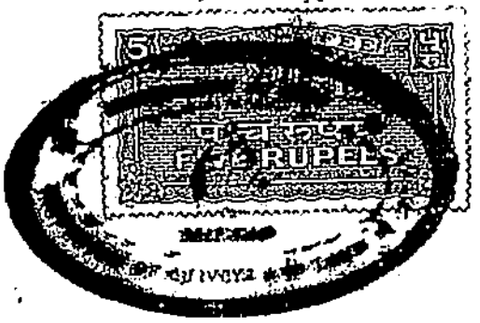
...AR OF SALCETE
...ARGAO

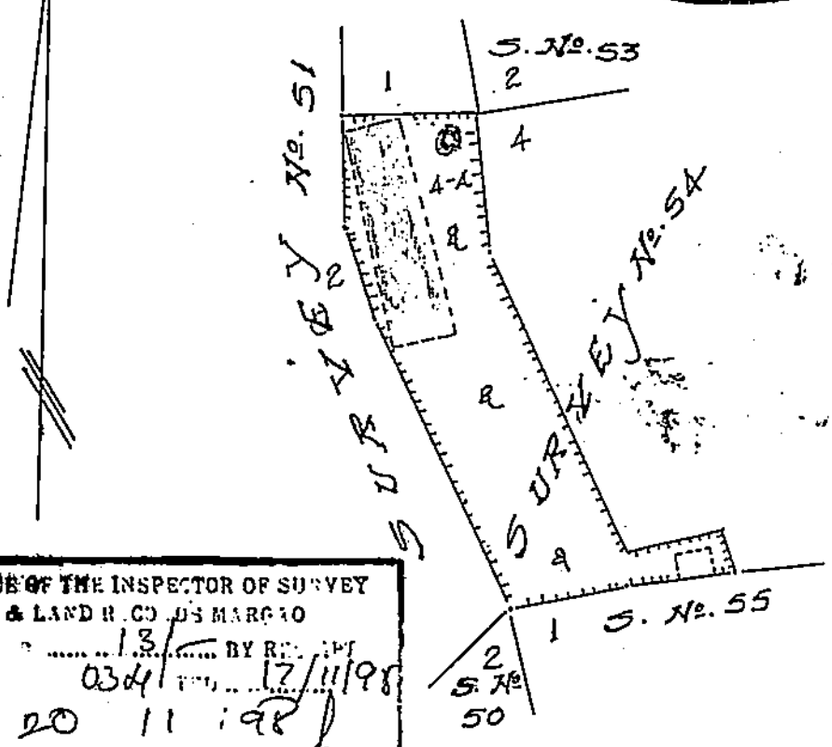
GOVERNMENT OF GOA
DIRECTORATE OF SETTLEMENT &
LAND RECORDS

144/

PLAN
SHOWING THE PLOTS SITUATED
AT COLVA VILLAGE
OF SALCETE TALUKA
S. No./SUB DIV. NO. 54/4
SCALE- 1:1000

RAH 20/11/98
I.S. & L.R.





OFFICE OF THE INSPECTOR OF SURVEY
& LAND RECORDS MARGAO
PAID Rs. 13/- BY RECEIPT
No. 0341 DT. 17/11/98
20 11 98
INCHARGE

CHECKED BY

TRACED FROM P.T. SHEET NOS. 7 & 14
OF COLVA VILLAGE ON 18-11-98
(J. R. FERNANDES) BY J. Fernandes
18/11/98

154/c

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment (Government of Goa)
Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa – 403 511
Phone: (0832) 2407186, 2407187, 2407189 Fax: (0832) 2407186

Ref: GCZMA/S/08-09/41/874 *Date*: 10 /02/2011

To,
The Sarpanch,
Village Panchayat of Colva,
Salcete – Goa.

Sub: Illegal constructions carried out by Mr. Snowkon Gonsalves and Mrs. Piedade Filomena Gonsalves (mother of Mr. Snowkon Gonsalves) in Sy. No. 51/1, 51/2 and 54/4.

Ref: 1) Order of the Hon'ble High Court of Bombay at Goa in W.P. No. 236 of 2010 dated 10/08/2010 *[Goa Foundation v/s V.P. of Colva & Ors.].*
2) This Office Letter No. GCZMA/S/08-09/41/773 dated 03/01/2011

Sir / Madam,

May kindly refer the Order of Hon'ble High Court of Bombay at Goa in Writ Petition No. 236 of 2010 *(referred at (1) above)* and this Office directions vide letter dated 03/01/2011 *(referred at (2) above)*.

2. It is to inform you that the said Shri Snowkon Gonsalves has filed a Writ Petition No. 734 of 2010 before the Hon'ble High Court in regards the structures in question which form the subject matter of W.P. No. 236 of 2010, W.P. No. 76 of 1995 and W.P. No. 237 of 1999. Dr. Claude Alvares, Director, Goa Foundation has also filed a Contempt Petition against the Chairman, GCZMA for alleged non compliance of the Orders in W.P. No. 236 of 2010.

3. You are required to submit the Action taken Report as directed vide this Authority's letter dated 03/01/2011 within 20 (twenty) days.

Yours faithfully,

(Michael M. D'Souza)
Member Secretary (GCZMA) &
Director/Ex-Officio, Joint Secretary (STE)

O/C

Copy to:-
1. P. A. to Secretary (Environment) & Chairman (GCZMA), Secretariat, Porvorim-Goa..... *for kind information.*
2. Dr. Claude Alvares, Director, the Goa Foundation, G-8, St. Britto's Apartments, Feira Alta, Mapusa – Goa..... *for kind information.*

IN THE HIGH COURT OF BOMBAY AT PANAJI

WRIT PETITION NO. 734/2010

Shri. Snowkon Gonsalves ....Petitioner

V/s

Goa Coastal Zone Management Authority
(Through its member Secretary) & Another .....Respondents

AFFIDAVIT IN REJOINDER OF THE PETITIONER

I, Shri, Snowkon Gonsalves, Son of Robert Gonsalves, major of age, Indian national, Petitioner above named do hereby state on oath and affirm as under:

1. I say that I am filing the present Affidavit-in- Rejoinder to meet the affidavit filed by the Respondent No.1 and the counter Affidavit filed by the Respondent No. 2 in the above Petition.

2. I say that the Affidavit filed by the Respondent No.1 is misleading, self contradictory and an attempt to deny the Petitioner an opportunity of hearing before finally deciding the show cause notice dated 7/1/2010 issued by the Respondent No.1.

3. I say that the Application for repairs and renovations dated 29/10/08 was filed by the Petitioner along with the survey plan showing the existing structures along with the

approvals and the construction license issued by the Village Panchayat of Colva dated 8/4/1975.

4. I say that it is only after conducting the site inspection of the property bearing survey no. 54/4-A of Colva Village and examining the Petitioner's case in the 40th GCZMA Sub-Committee meeting held on 20/1/2009, permission was granted for repairs and renovations of the existing structure, compound wall and well in survey no. 54/4-A not exceeding existing FSI, existing plinth area and existing density subject to confirmation with the local building bye laws.

5. I say that the Member Secretary of Respondent No.1 could not have issued the Impugned Communication dated 11/1/2010 without placing the same before the GCZMA Sub- Committee.

6. I say that conduct of Respondent No.1 has been lethargic in not taking steps to complete the hearing of the show cause notice despite several communications addressed by the Petitioner on 20/1/2010, 8/3/2010, 18/8/2010 and particularly in view of the fact that permission issued by the Respondent was kept in abeyance pending the decision of the show cause notice.

7. I say that Respondent No.1 has already prejudged the issue of legality of the structures without even considering the reply dated 18/8/2010 along with documents filed by the Petitioner in response to the show cause notice by holding that the construction carried by the Petitioner is wholly illegal.

8. I say that vide reply dated 18/8/2010 to the show cause notice it has been categorically stated by the Petitioner that the subject matter before the GCZMA for which repairs and renovations were granted was not the structure which were directed to be demolished by the Orders of this Hon'ble

Court vide its Judgment and Order dated 2/3/2000 in writ Petition No. 76/1995 in as much as the subject matter of the said Writ Petition was a building which was constructed between 13/7/1994 and completed on 17/8/1994.

9. I say that the directions issued by this Hon'ble court in Writ Petition No. 76/95 and Writ Petition No. 237/99 and the Hon'ble Supreme Court in Civil appeals No. 960-61 of 2002 have been complied with and the Petitioner seeks to rely upon the letter dated 30/11/2004 and letter dated 9/3/2006 received from Piedade Filomena Gonsalves Serrao wife of Mr. Felix Menino Jesus Serrao,Petitioner in W.P. NO. 76/95 stating therein compliance in full satisfaction of the Orders passed by this Hon'ble Court.

10. I say that even while contesting W.P. 236/10, the Petitioner has specifically pleaded that the existing structure in survey no. 54/4-A was existing prior to 1975 and in the year 1975 construction license was applied for the purpose of carrying extension of the existing house, compound wall and well.

11. I say that although this Hon'ble Court vide order dated 10th August, 2010 in Writ Petition No. 236/10 had directed the respondent No.1 to identify and demarcate the Plot "A" and demolish the structure/building standing on the said Plot "A" and till date no demarcation has been done by Respondent No. 1 on site.

12. I say that Respondent No.1 is duty bound in law to examine the reply along with supporting documents relied by the Petitioner in response to the show cause notice and come to the factual finding about the existence of the structures for which permission was applied by the Petitioner by placing the all the material before the Sub Committee.

13. It is denied by the Petitioner that the present petition is filed in order to avoid demolition of the impugned constructions in as much as the illegal structures have already been demolished in full satisfaction of the Orders passed by this Hon'ble Court and the Hon'ble Supreme Court.

14. I say that the decision relied upon by the Respondent No.2 in the case of Dm Belgaumwalla V/s M/s Tamil Nadu Real Estate Pvt Ltd reported in 2010 STPL (web 989 SC is not all attracted in the facts and circumstances of the present case.

15. I say that the contents of the foregoing paragraphs are true and correct to my own knowledge and no part of it is false.

Solemnly affirmed on this 21st Day of March, 2011 at Panaji

Identified By:

_____

DEPONENT

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
GOA BENCH, AT PANAJI

Writ Petition No. 236/2010

Goa Foundation ..... Petitioner

V/s

Village Panchayat of Colva & Ors ..... Respondents

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3

I,Shri. Snowkon Gonsalves, son of Mr.Robert Gonsalve, major of age, Indian National, resident of House No, 122/1,2nd Ward, Colva, Salcete, Goa do hereby state on oath and affirm as under:

1. I have perused the present petition and understood the contents therein. The present affidavit is filed in compliance with the direction issued by this Hon'ble Court..
2. Respondent No. 3 states that, this Hon'ble Court vide Judgment and Order dated 02.03.2000 in WP 76/1995 was pleased to direct the Village Panchayat to demolish the compound wall, well and building falling in Survey No. 51/1, 51/2 and 54/4 situated within the limit of Colva Village Panchayat.
3. I say that being aggrieved by the Order passed by this Hon'ble Court, Smt Piedade Filomena Gonsalves approached the Hon'ble Supreme Court by way of Special Leave to Appeal (Civil) Nos. 6853 and 6854 of 2000 with a prayer for interim relief.
4. The Hon'ble Apex Court vide Order dated 01.05.2000 was pleased to issue notice and also directed maintenance of status quo with respect to the structure of late Smt. Piedade Filomena Gonsalves which were directed to be demolished by this Hon'ble Court.
5. The Hon'ble Apex Court granted the Special Leave filed by said Piedade Filomena Gonsalves vide Order dated 1st February, 2002 and further directed that Order dated 1st May, 2000 directing maintenance of status quo shall continue in Civil Application No. 960 and 961 of 2002.However, vide Judgment and Order dated 11.03.2004, the Hon'ble Apex Court was pleased to dismiss the Civil Appeal No. 960 and 961 of 2002.

6. I say that pursuant to the Order passed by the Apex Court, late Smt. Piedade Filomena Gonsalves vide letter dated 30.11.2004, informed the Respondent Village Panchayat that the new structure constructed in the year 1994 on the southern side of property which were the subject matter of WP No. 76/1995 has been demolished on 14.11.2004.
7. I say that in view of the communication received by the Village Panchayat on 30.11.2004, no further action was required to be taken on behalf of the Village Panchayat in as much as the directions of the Hon'ble Court vide Judgment and Order dated 02.03.2000 in WP 76/95 and 237/99 were complied.
8. In addition to above, the Respondent No. 3 states that, pursuant to the directions issued by this Hon'ble Court in Suo Writ Petition No. 2/2006, the Village Panchayat had also issued directions to all structures which were identified to be constructed within 200 mts of the HTL.
9. I say that that show cause notices were issued to all the structures within 200 mts of the HTL, including the structures situated in Survey No. 51/2, 51/1 and 54/4.
10. I say that late Smt. Piedade Filomena Gonsalves was also issued show cause notice dated 10.04.2008 bearing reference no. VP/SUCG/149/08-09 with respect to survey no. 54/4 of village Colva to which reply was furnished by my mother vide letter dated 29.04.2008. After considering the reply and giving opportunity of personal hearing the Respondent NO.1 in a meeting held on 15.06.2009, unanimously resolved to withdraw the show cause notice given to said Smt. Piedade Filomena Gonsalves along with other persons who had produced documentary evidence.
11. I say that that under reply dated 29.04.2008, the Village Panchayat was informed that Smt. Piedade Filomena Gonsalves is the owner of the property bearing survey no. 54/4-A, which is originally part of larger property surveyed under no. 54/4 of Village Colva, and her property has been partitioned and allotted separate survey number.
12. The Panchayat was informed that the said property was purchased by Smt. Filomena Gonsalves in the year 1993 by nature of Deed of Sale executed by Mrs. Leonara de Loyola Furtado e Fernandes before the Sub-Registrar of Salcete on 17.11.1993 pursuant to the agreement of sale executed on 08.04.1983.
13. It was further stated that the said property was purchased alongwith existing structures which existed since 1975 for which construction licence was granted by the Village Panahayat vide its Construction

Licence No. 18/75 dated 08.04.1975 to her predecessor-in-title, Mrs. Leonora de Loyloa Furtado e Fernandes.

14. I say that the Village Panchayat had issued construction licence to Mrs. Leonora de Loyloa Furtado e Fernandes after getting approval from The Town and Country Planning Department vide letter dated 14.03.1975 and NOC from the PWD Department vide letter dated 28.02.1975

15. The Respondent No. 3 states that the construction licence was granted in terms of Resolution No. 34 taken in the panchayat meeting dated 06.04.1975 for the purpose of construction/extension of the existing house, construction of a compound wall and a well at 3rd Ward, Colva as per the approval of T.P. Committee vide letter dated DJ/1506/3173/74-75.

16. I say that the directions issued by this Hon'ble court were respect to property bearing Survey No. 54/4 and even before the directions were issued, property bearing survey no. 54/4-A was already partitioned vide order dated 21st October,1997 by the Sub-Divisional Officer & Deputy Collector, Sub-Division Margoa.

    Copy whereof it annexed hereto along with the survey plan and marked as **Exhibit R-1,Colly.**

17. I say that the subsequently vide application dated 28/10/2008 made to the Goa Coastal Zone Management Authority, Respondent No. 3 applied for repair and renovations of structures, compound wall and well in survey no. 54/4-A in Village Colva, based upon the Will executed by my mother. The necessary documents were also furnished to prove the existence of the structures along with survey records while submitting the application to the GCZMA.

    Copy of the Application is annexed hereto and marked as **Exhibit R-2.**

18. I say that Goa Coastal Zone Management Authority conducted site inspection of property bearing survey No. 54/4-A and granted approval for repairs and renovations of the existing structures in the 48th GCZMA sub-committee meeting held on 20/1/2009.

19. The village panchayat accordingly granted construction licence bearing no. VP/SVCG/Const.65/2009-10/2130 for repairs and renovation of structure, compound wall and well in survey no. 54/4-A of Village Colva after receiving approval from Goa Coastal Zone Management Authority vide reference no. GCZMA/3/08-09/370 dated 10.08.2009.

    Copy of the letter of the GCZMA and marked as **Exhibit R-3**

20. I say that the said construction licence has been kept in abeyance vide letter dated 04.03.2010 after the panchayat received letter from the Goa

Coastal Zone Management Authority letter no. GCZMA/08-09/41/70 dated 11.01.2010 according to which, earlier permission granted to me by Goa Costal Zone Management Authority vide letter no. GCZMA/3/80-09/41/70 dated 17.04.2009 was kept in abeyance till the disposal of the said matter.

21. I say that there is no structure standing in Survey No. 54/4 of Colva village which was directed to be demolished in WP 76/95 either in property bearing survey no. 54/4-A, or 54/4, 51/1 and 51/2 of Colva village.

22. I say that the present petition including the letters made before the GCZMA are at the behest of my political opponents and made with ulterior motives and malafide intentions to stop me from carrying repairs of my existing structures.

23. I say that contents of the foregoing paragraphs are based on the documents/records available in the Panchayat office and no part of it is false.

Solemnly affirmed on this 20th day of July, at Panaji, Goa.

DEPONENT

Identified by:

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 6 OF 2011
IN
WRIT PETITION NO. 236 OF 2010

GOA FOUNDATION, THROUGH ITS SECRETARY, DR. CLAUDE ALVARES., ... Petitioner
Versus
SHRI V. K. JHA , CHAIRMAN, GCZMA AND ANR., ... Respondents

Mr. C. Alvares, Secretary of the petitioner is present in person.
Mr. Amit A. Palekar,advocate for Respondent No.2

Coram:- A. P. LAVANDE, J.

Date:- 12th August, 2011

P.C:

Mr. C. Alvares, Secretary of the petitioner is present in person.

Affidavit filed by the Member Secretary, Goa Coastal Zone Management Authority is taken on record. The said affidavit discloses that the Block Development Officer, Margao has submitted report that the entire illegal construction ordered to be demolished by the Division Bench of this Court in Writ petition no.236/2010 has been carried out.

Mr. Palekar, learned counsel appearing on behalf of respondent no.2 states the entire illegal construction has been demolished.

Mr. Alvares, Secretary of the petitioner also confirms this position.

No doubt there is some delay in implementation of the order dated 10/8/2010 passed by the Division bench of this Court, however, the fact remains that as on date the entire illegal construction has been demolished. In this factual background, I do not propose to continue with the contempt proceedings against the respondents.

Accordingly, the proceedings are dropped.

Contempt petition stands disposed of.

A. P. LAVANDE, J.

ap/-

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 6 OF 2011
IN
WRIT PETITION NO. 236 OF 2010

GOA FOUNDATION, THROUGH ITS SECRETARY, DR. CLAUDE ALVARES., ... Petitioner

Versus

SHRI V. K. JHA , CHAIRMAN, GCZMA AND ANR., ... Respondents

Ms. Norma Alvares,advocate for the petitioner.
Mr. A.D. Bhobe holding for advocate Mr. Amit A. Palekar For Respondent. No.2 and 3.
Mr. V. Rodrigues, Addl. Government Advocate for respondent no1.

Coram:- A. P. LAVANDE, J.

Date:- 29th July, 2011

P.C:

Learned counsel appearing for respondent nos. 1 and 2 state that the illegal construction ordered to be demolished has been substantially demolished and a small portion of the wall remains to be demolished.

The respondents are expected to comply with the order dated 10/8/2010 in letter and spirit. As such, respondent nos.1 and 2 are directed to file an affidavit stating therein that the order dated 10/8/2010 has been complied in letter and spirit and nothing further remains to be demolished. The affidavit be filed within a period of one week.

S.O. 12/8/2011.

A. P. LAVANDE, J.

ap/-

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 6 OF 2011
IN
WRIT PETITION NO. 236 OF 2010

GOA FOUNDATION, THROUGH ITS SECRETARY, DR. CLAUDE ALVARES., ... Petitioner

Versus

SHRI V. K. JHA , CHAIRMAN, GCZMA AND ANR., ... Respondents

Ms. Norma Alvares, Advocate for the petitioner.
Mr. Amit A. Palekar, Advocate for respondent nos. 2 and 3.

Mr. V. Rodrigues, Additional Government Advocate for respondent no.1.

Coram:- A. P. LAVANDE, J.

Date:- 11th July, 2011

P.C.

In Order dated 16.6.2011, assurance given by Mr. Palyekar, learned Advocate for respondent nos. 2 and 3 that order dated 10.8.2010 shall be fully complied with by demolishing entire construction within a period of three weeks was accepted.

2. Mr. Palyekar, learned Counsel for respondent nos. 2 and 3 submits that although assistance from BDO to make available the demolition squad for demolition of entire construction, was sought and the same was made available but equipment was not adequate enough to demolish the entire construction.

3. Mr. Rodrigues, learned Additional Government Advocate appearing for respondent no.1 states that adequate machinery and demolition squad shall be made available for compliance of order

dated 10.8.2010 within a period of one week. Statement made on behalf of respondent no.1 is accepted.

4. Mr. Palyekar states that in case demolition squad and adequate machinery made available for demolition, demolition shall be carried out in terms of order dated 10.8.2010 within a period of one week.

5. Respondent nos. 2 and 3 who are present in person to remain present on next date.

6. Stand over to 27.7.2011.

7. Parties to act on duly authenticated copy of this Order.

A. P. LAVANDE, J.

vn

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 6 OF 2011
IN
WRIT PETITION NO. 236 OF 2010

GOA FOUNDATION, THROUGH ITS SECRETARY, DR. CLAUDE ALVARES., ... Petitioner

Versus

SHRI V. K. JHA , CHAIRMAN, GCZMA AND ANR., ... Respondents

Ms. Norma Alvares, Advocate for the petitioner.
Mr. V. Rodrigues, Additional Government Advocate for respondent no.1.
Mr. Amit A. Palekar, Advocate for respondent nos. 2 and 3.

Coram:- A. P. LAVANDE, J.

Date:- 16th June, 2011

P.C.

Mr. Palyekar, learned Counsel appearing for the respondent nos. 2 and 3 states that illegal structure has been partly demolished and remaining portion could not be demolished since the machinery required for demolishing the remaining portion was not available and the machinery has been requisitioned by respondent nos. 2 and 3.

2. Mr. Palyekar assures the Court that order shall be fully complied by demolishing the entire construction ordered to be demolished by this Court within a period of three weeks. Statement made by Mr. Palyekar, learned Advocate on behalf of respondent nos. 2 and 3 who are not present is accepted. At the request of Mr. Palyekar exemption for today is granted to respondent nos. 2 and 3. Respondent nos. 2 and 3 shall remain present on next date. Stand over to 11.7.2011.

A. P. LAVANDE, J.

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 6 OF 2011
IN
WRIT PETITION NO. 236 OF 2010

GOA FOUNDATION, THROUGH ITS SECRETARY, DR. CLAUDE ALVARES., ... Petitioner

Versus

SHRI V. K. JHA , CHAIRMAN, GCZMA AND ANR., ... Respondents

Ms. Norma Alvares, Advocate for the Petitioner.
Mr. Amit A. Palekar, Advocate for respondent nos.2 and 3.
Mr. V. Rodrigues, Advocate for respondent no.1.

Coram:- A. P. LAVANDE, J.

Date:- 5th May, 2011

P.C.

Respondent no. 3 is present in person. Mr. Palyekar, undertakes to file vakalatnama on behalf of respondent no. 3.

2. Mr. Palyekar upon instructions from respondent no. 3 states that illegal construction carried out which has been ordered to be demolished by the Division Bench would be demolished within a period of 2 weeks from today and demolition squad has already been called for demolition. Statement made on behalf of respondent no. 3 is accepted.

3. Stand over to 16.6.2011.

A. P. LAVANDE, J.

vn

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 6 OF 2011
IN
WRIT PETITION NO. 236 OF 2010

GOA FOUNDATION, THROUGH ITS SECRETARY, DR. CLAUDE ALVARES., ... Petitioner
Versus
SHRI V. K. JHA , CHAIRMAN, GCZMA AND ANR., ... Respondents

Ms. Norma Alvares, advocate for the petitioners.
Mr. V. Rodrigues,advocate for respondent no.1.

Coram:- A. P. LAVANDE, J.

Date:- 23rd March, 2011

P.C:

Draft Amendment submitted by Mrs. Alvares on behalf of the petitioner is taken on record.

Amendment to the petition in terms of the draft amendment is allowed. Amendment to be carried out within a period of one week.

After the amendment is carried out, issue notice to respondent no.3 returnable on 19/4/2011.

Respondent no.2 who has been served is not present.

Hence, issue bailable warrant against respondent no.2 in the sum of Rs.5000/- (Rupees five thousand only) with one surety in the like amount returnable on 19/4/2011.

A. P. LAVANDE, J.

ap/-

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 6 OF 2011
IN
WRIT PETITION NO. 236 OF 2010

GOA FOUNDATION, THROUGH ITS SECRETARY, DR. CLAUDE ALVARES., ... Petitioner

Versus

SHRI V. K. JHA , CHAIRMAN, GCZMA AND ANR., ... Respondents

Ms. Norma Alvares, Advocate for the petitioner.

Coram:- A. P. LAVANDE, J.

Date:- 17th February, 2011

P.C.

Heard Mrs. Alvares, learned Counsel for the petitioner. From perusal of the petition, prima facie it is clear that the directions given by this Court in W.P. No.236/2010 have not been complied with by the respondents. Hence, issue notices to the respondents returnable on 18th March, 2011.

A. P. LAVANDE, J.

SMA

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment (Government of Goa)
Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa – 403 511
Phone: (0832) 2407186, 2407187, 2407189 Fax: (0832) 2407186

Ref: GCZMA/S/08-09/41/356 *Date:* 04/07/2011

1. **The Sarpanch,** Village Panchayat of Colva, Salcete – Goa.
2. **The Secretary,** Village Panchayat of Colva, Salcete – Goa.

Sub:- Demolition fixed on 05/07/2011 at 10.00 a.m. in respect of illegal construction in Survey No.54/4-A, Village Colva.

Ref: Your Office Letter No. VP/SVCG/526/2011-12 dated 02/07/2011.

Sir/Madam,

With reference to the above it may be noted that this Authority has complied with directions of Hon'ble High Court in Writ Petition No. 236 of 2010 and has identified the structures on site at the time of demolition on 14/06/2011. The demolition needs to be completed in all respects. The presence of any of the Members of this Authority is no longer required for any further aspects of demolition / completion of demolition process in the said property. It is therefore informed that no Member of this Authority shall be present for the demolition completion exercise which is scheduled on 05/07/2011.

2. It may be noted that as per the directions of Hon'ble High Court in Writ Petition No. 236 of 2010, it is responsibility of the Village Panchayat of Colva, to ensure that complete demolition is carried out of the illegal structures concerned.

Yours faithfully,

(Michael M. D'Souza)
Member Secretary (GCZMA) &
Director/Ex-Officio, Joint Secretary (STE)

Copy to:-

1. **P. A. to Secretary (Environment) & Chairman (GCZMA),** Secretariat, Porvorim-Goa..... *for kind information.*
2. **P.A to Director of Panchayats,** Directorate of Panchayats, Panaji – Goa ..... *for kind information.*
3. **Dr. Claude Alvares,** Director, the Goa Foundation, G-8, St. Britto's Apartments, Feira Alta, Mapusa – Goa..... *for kind information.*
4. **The Dy. Collector & SDO (Salcete),** Salcete Goa..... *for kind information*
5. **The Block Development Officer,** Salcete – Goa ..... *for kind information*

RECEIVED
No.....Dt 9/7/11 Sign.....

.Ph:- 2788485
Office of the Village Panchayat
Sernabatim, Vanelim, Colva & Gandaulim
Salcete - Goa. Pin Code 403 708

Ref. No. VP / SVCG / 580/2011-12.

Date 07-07-2011

To,
The Goa Coastal Zonal Management Authority,
Opp. Saligao Seminary ,Bardez,
Saligao-Goa.

Ref; 1. No. VP/SVCG/526/2011-12, dated 2/7/2011.
2. SDO/Sal/DEMO/2011, dated 1/7/2011.(Dy. Collector & SDO,Margao.
3.PWD/WDVI/ADM/F.67/579/2011-12, dated 7/7/2011(Exe. Engineer,PWD ,Margao-Goa.

Sub: Reg. Demolition fixed on 5/7/2011 at 10.a.m in respect of illegal Construction in Survey No.54/4-A,Village Colva.

Sir,

This is with reference to the above cited references, this Panchayat would like to inform you that as per the Order from Deputy Collector ,Sub Division Margao, dated 01/7/2011, the Demolition Squad Authorities proceed at the site, on 5/7/2011 at 10.30 am., the Contractor appointed by the PWD who was present at the site informed the Officials that the Demolition cannot be undertaken with the JCB Machine as it required Ex 200 Haitachi Machine mounted with Breaker. The same may be confirmed with the Report of the Contractor, Shri. Santosh Savio George and Panchanama Copy Annexed herewith.

This is for your kind information.

Yours faithfully

SECRETARY
Village Panchayat
SERNABATIM, VANELIM
COLVA & GANDAULIM

C.C To, Advocate Norma Alvares
G-8, Britto Appts. Mapusa-Goa.

2. Advocate Amit Palekar , Panjim-Goa.

No.PWD/WDVI/ADM/f-67/579 /2011-12.
Government of Goa,
Office of the Executive Engineer,
Work Division VI (Roads)
P.W.D, Fatorda – Margao, Goa

Dated:-07 / 07/ 2011.

Office of the Village Panchayat
Sernabatim Vanollim Colva & Gandaulim
Received on: 7/7/11
Inward No. 681

To,

Deputy Collector & In-charge Demolition
Squad, Sub Division, Margao – Goa.

Sub:- Demolition of the illegal construction carried out on survey no.54/4-A of village Colva, Salcete.

Ref:- Order No.SDO/SAL/DEMO/2011 dated 1/07/2011.

Sir,

With reference to your above order dt.1/07/2011, this office had requisitioned the labourers along with tools and equipments and one JCB machine, in order to carry out the demolition of the R.C.C structures. The agency Shri Santosh Savio George has expressed his inability to carry out the work, as the site is sandy area (Sea shore side) and his J.C.B's are tyre mounted, which keeps sinking during the operation of the demolition of R.C.C structures. The agency has submitted a report which is self explanatory and is enclosed herewith for your ready reference and kind perusal.

In view of above, necessary decision for alternate method may be taken at your end.

Yours Faithfully,

(Anil S. Ringane)
Executive Engineer – VI

Encl:- Report of agency Shri Santosh Savio George dt.5/07/11

Copy to:-

1. Collector South Goa – for kind information
2. The Block Development Officer, Salcete-II Block, Margao.
3. V.P. Secretary, Village Panchayat Colva Salcete.

CONFIDENTIAL
HIGH COURT DIRECTION

No. SDO/SAL/DEMO/2011
Office of the Deputy Collector &
In-charge Demolition Squad,
Sub Division, Margao – Goa.
Dated: 1/07/2011

Read: Order No. SDO/SAL/DEMO/2011 dated 12/05/2011 & 1-06-2011

O R D E R

WHEREAS, the Block Development Officer, Salcete-II, Margao Goa vide letter No. 3/Demolition/Colva/BDOS/11-12/802 dated 23/06/2011 has requested this office to provide the services of the demolition squad once again inorder to demolish the illegal construction carried out in Sy. No. 54/4-A of Village Colva.

AND WHEREAS, being satisfied with the request of the Block Development Officer, Salcete-I. I, Shri Johnson Bedy Fernandes, Sub Divisional Magistrate/In-charge of Demolition Squad, South Goa hereby grant the Demolition squad on 05/07/2011 at 10.00 a.m. onwards and order the following Authorities/Agencies as under:

The Dy. Superintendent of Police, Margao to make necessary arrangement to depute 15 Police Constable and 8 female Constables alongwith an officer of P.S.I. rank since there is likelihood of law and order problem. They may be directed to report at the Village Panchayat Colva at 9.30 a.m. on the above mentioned date, inorder to proceed to the site.

The Joint Mamlatdar – II of Salcete to remain present to perform the duties of the Executive Magistrate and to take care of law and order problem on the above mentioned date and time.

The Block Development Officer, Salcete –I Block to make arrangement to provide vehicle to the Executive Magistrate on the above date and time and see that the services of the above officials are properly utilized for demolition purpose.

The Executive Engineer, Electricity Div. IV, (O & M) Aquem, Margao – Goa to provide the serices of 2 linesman alongwith the concerned Junior Engineer of the said area inorder to disconnect the electrical connection. They shall report to the Office of the Village Panchayat Colva at 9.30 a.m. inorder to proceed to the site for demolition.

The Executive Engineer, Works Division VI (Roads), PWD, Fatorda to provide demolition squad consisting of 10 labourers along with tools and equipment's and one JCB machine, breaker and also to depute P.W.D official who will be able to guide the workers while carrying out the demolition on the above scheduled date and time for the purpose of demolition and they shall be directed to report the Office of the Village Panchayat Colva at 9.30 a.m. inorder to proceed to the site for demolition.

Given under my hand and seal of this office dated this the 1st day of July, 2011.

(Johnson Bedy Fernandes)
Deputy Collector & In-charge Demolition
Squad, Sub Division, Margao – Goa.

To,

1. The Dy. Superintendent of Police, Margao Goa.
2. The Executive Engineer, Works Division VI (Roads), PWD, Fatorda
3. The Executive Engineer, Electricity Div. IV, (O & M) Aquem, Margao – Goa.
4. The Block Development Officer, Salcete-II Block, Margao
5. The Joint Mamlatdar-II of Salcete, Margao Goa.

PANCHANAMA

As per the Memorandum No 3/ Demolition/Colwa/BDO S/11-12/918 dt 4/8/11 O/o BDO Salcette, Bubble Order No. 200/Sec/ Demo/2011 dt 1/7/2011. The demolition Squad reported to V.P. Colwa at 10.00 am on 5/7/2011, and Proceeded on the site, at 10.30 a.m.

The following Officials of BDO Salcette & V.P. Mr. Mamallan (Executive Magistrate) Sarpanch, V.P. Secretary; and police team On the site, Contractor appointed by the BDO. Submitted the following report.

1) That the demolition can't be undertaken by JCB machine as it is required to do Hatkali Machine Mounted with Breaker

2). It is purely area & JCB with tyre. Mounted. is unable to do the job.

3) The area is around about 300 Sq. and it is total R.C.C. Structure.

4) It will require 7-8. days to demolish the said structure.

5). It is suggested by the Contractor in his report. Total Estimate for the said demolition should prepare by the BDO authority.

In view of the above the said decision could not carried out..

This handwritten is written by V P: Secretary.

V P. Secretary.

Det Sarpal.

EO (VP)

(6) In view of the above circumstances the said demolition could not be ~~[illegible]~~ called out.

(7) Hence I contractor Mr Santosh Savio George appointed by Exc Engineer Mr Anil Ringane give this said statements

[illegible]

[Santosh Savio George]

5/07/11

Report

After inspection the site with the concerned officials and the Secretary and Sarpanch of Village panchayat colva, It was brought to their notice that the demolition can't be undertaken by T-CB as It requires Ex 200 - Hitachi machine mounted with Breaker,

(2) It is a sandy area and T.CB with Type mounted won't be able to do the Job.

(3) The Area is around 300 sqmts and it is totall R.C.C structure

(4) It will require 7-8 days to demolish the said structure

(5) The estimate for the said demolition should be prepared by PWD DIVT.

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment, Govt. of Goa
Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa – 403 511
Phone: (0832) 2407186, 2407187, 2407189 Fax: (0832) 2407186

Ref. No.:- GCZMA / S / 08-09 / 41 / 409 *Date:-* 12 / 07 / 2011.

To,

1. **The Dy. Collector & SDO (Salcete),** Collectorate of South Goa, Margao-Goa.
2. **The Block Development Officer (Salcete),** Salcete-Goa.

Sub:- **Demolition of illegal structure contained in Survey No. 54/4-A, of Colva Village belonging to one Shri Snokan Gonsalves**

Ref:- Order of the Hon'ble High Court of Bombay at Goa, in Contempt Petition No. 6 of 2011 in Writ Petition No. 236 of 2011 dated 11th July, 2011.

Sir,

Please find enclosed herewith a copy of the Order dated 11th July, 2011; referred above which is self explanatory. It is required that adequate machinery which is capable of undertaking demolition at the said site may be made available to Village Panchayat of Colva to enable them to carry out the demolition within a period of one week.

Action Taken Report in this regards may be informed to this Office latest by 14/07/2011.

Yours faithfully,

(Michael M. D'Souza)
Member Secretary (GCZMA) &
Director/ Ex-Officio Jt. Secy. (STE)

Encl:- As above.

Copy to:-

1. **The Sarpanch / Secretary,** Village Panchayat of Colva, Salcete, Goa..... *for kind information.*
2. **Dr. Claude Alvares, Director,** The Goa Foundation, G-8, St. Britto's Apartments, Feira Alta, Mapusa-Goa..... *for kind information.*
3. **The Director, Directorate of Panchayat,** Junta House, Panaji-Goa. ..... *for kind information.*
4. **P. A. to Secretary (Environment) & Chairman (GCZMA),** Secretariat, Porvorim-Goa..... *for kind information*

Ph:- 2788485

Office of the Village Panchayat
Sernabatim, Vanelim, Colva & Gandaulim
Salcete - Goa. Pin Code 403 708

Ref. No. VP / SVCG / 705/11-12

Date 26/7/11

To,
The Goa Coastal Zone Management Authority
C/o Department of Science ,Technology & Environment ,
Opp. Saligao Seminary, P.O Saligao ,Bardez-Goa.

Sub: Demolition of illegal Structure in Sy.No.54/4-A,Village Colva.

Ref: GCZMA/S/08-09/41/409, dated 12/7/2011.

Sir,

With reference to the above cited letter and in view of the Demolition process carried out in Sy.No.54/4-A, Village Colva, this is to inform you th the said Demolition process has been conducted by the Demolition Squ Authorities with respect to the Order of Dy. Collector & In charge of Demolition Squad,Margao, Vide their Order No.SDO/SAL/DEMO/2011/66 dated 13/7/2011, which was fixed on 19/7/2011 and subsequently conti on 20th & 21st July,2011 and ended up to 4.30 p.m. Copy of the Panchana is enclosed for your reference.

This is for your kind information.

Yours faithfully

SECRETARY
Village Panchayat
SERNABATIM, VANELIM
COLVA & GANDAULIM

C.C To. Advocate Norma Alvares,
G-8, Britto Appts.,
Margao-Goa.

Ph:- 2788485

Office of the Village Panchayat

Sernabatim, Vanelim, Colva & Gandaulim

Salcete - Goa. Pin Code 403 708

Ref. No. VP / SVCG / 705/11-12

Date 26/7/11

To,

The Goa Coastal Zone Management Authority
C/o Department of Science ,Technology & Environment ,
Opp. Saligao Seminary, P.O Saligao ,Bardez-Goa.

Sub: Demolition of illegal Structure in Sy.No.54/4-A,Village Colva.

Ref: GCZMA/S/08-09/41/409, dated 12/7/2011.

Sir,

With reference to the above cited letter and in view of the Demolition process carried out in Sy.No.54/4-A, Village Colva, this is to inform you that the said Demolition process has been conducted by the Demolition Squad Authorities with respect to the Order of Dy. Collector & In charge of Demolition Squad,Margao, Vide their Order No.SDO/SAL/DEMO/2011/66, dated 13/7/2011, which was fixed on 19/7/2011 and subsequently continued on 20th & 21st July,2011 and ended up to 4.30 p.m. Copy of the Panchanama is enclosed for your reference.

This is for your kind information.

Yours faithfully

SECRETARY
Village Panchayat
SERNABATIM, VANELIM
COLVA & GANDAULIM

C.C To. Advocate Norma Alvares,
G-8, Britto Appts.,
Mapusa-Goa.

PANCHNAMA -

As per the Order. No. SDO/SDC/Demo/2011/66 dt 13/7/2011. O/o Dy Collector, SDM. Nanpara. The demolition Squad reported to V.P. Colony on dt 19/7/2011 at 10.30 am. The following Officials B.D.O Sadullah-II, E.O. V.P. V.P. Secretary H.Q, Executive Magistrate and Police Personel's. The two contractors came along with J.C.B. Machine bearing No. UA-08, A-7536, along with Supervisor & labours at 10.30 am. at the Site. The demolition Squad, along with Sarpanch & Secretary Proceeded to the Site. The demolition was started with the help of JCB Machine at Site at 11.30 am. Ex 200 Hitachi Machine was held up at Nunpal Bridge and reached at Site at 12.00 Noon. with Tractor bearing No. UA-08-T 7699 along with trucks. No UA-02-T-7662. The demolition stop at 6.00 p.m.. It was re-started on dt 20/7/2011 at 8.00 am with same equipments & trucks JCB and work stop at 6.00 p.m, again re-started the work on 21/7/2011 at 8.00 am. with equipment and completed demolition at 4.30 pm The debris of demolition structures is deposited at the same site.

Received by V.P. Society.

EO (VP)

Asstt Sarpanch.

(2)

Skaria
(Santosh Sam George)
Contractor

RECEIVED

7/5/2011

Ph:- 2788485

Office of the Village Panchayat

Sernabatim, Vanelim, Colva & Gandaulim

Salcete - Goa. Pin Code 403 708

Ref. No. VP / SVCG / 213/ 2011-12

Date 5/5/2011

To,
The Goa Coastal Zone Management Authority
C/o Dept. Of Science ,Technology & Environment
Opp. Saligao Seminary,P.O Saligao.
Bardez-Goa.

Sub: Reg. Illegal Constructions carried out by Mr. Snowkon Gonsalves & Mrs. Piedade Filomena Gonsalves I mother of Mr. Snowkon Gonsalves) in Sy.No.51/1,51/2 & 54/4.

Regf; GCZMA/S/08-09/41/928, dated 10/3/2011.

Sir,

With reference to the above cited reference, and in regards to the above referred subject matter , Please find enclosed letter from V.P Office Colva forwarded to Block Development Officer, Margao, Vide Ref.No.VP/SVCG/208/2011-12, dated 4/5/2011 in respect to the Requisition of Demolition Squad for conducting Demolition, fixed by this Panchayat on 10th May,2011 at 10.30 a.m along with the true copy of Resolution taken by the body in the Monthly meeting held on 13/4/2011 is Annexed for your reference and for needful action as per the High Court Order .

This is for your kind information,

Yours faithfully

SECRETARY
Village Panchayat
SERNABATIM, VANELIM
GANDAULIM

C.C To, Norma Alvares,
Advocate,
G-8, St. Britto's Appts.
Mapusa-Goa.

Ph - 2788485

Office of the Village Panchayat

Sernabatim, Vanelim, Colva & Gandaulim

Salcete - Goa. Pin Code 403 708

Ref. No. VP / SVCG / 208/ 2011-12

Date 4/5/2011

To,
The Block Development Officer,
Salcete,Margao-Goa.

Sub: Requisition for Demolition Squad in respect to illegal Constructions carried out in Sy.No. 54/4-A,Village Colva.

Sir,

With reference to the above cited subject, this is to inform you that this Panchayat has conducted the Demolition formalities in respect to the illegal Constructions carried out by Shri. Snowkon Gonsalves in property bearing Sy.No.54/4-A, Village Colva, Salcete Taluka.

Annexing here with the documents , 1. Show cause cum Demolition Notice 2. Final Notice of demolition. 3.Copy of Requisition for Demolition Squad. 4. Copy of High Court Order ,23of 2010. 5. Letter from Goa Coastal Zone Management Authority ,Vide Ref.No.GCZMA/S/08-09/41/928, dated 10/3/2011.

Kindly provide us Police Protection with One Police Officer, 10 Constables including Lady Constable along with Executive Magistrate for law and Order , PWD 20 labourers, 2 Supervisors, JCB Machine along with Tools & Equipment.

The Date of Demolition is fixed on 10th May,2011 from 10.30 am onwards.

Yours faithfully

SECRETARY
Village Panchayat
SERNABATIM, VANELIM
COLVA & GANDAULIM

Received Clerk
B. D. O. Salcete.
5/5/2011

Ph - 2788
Office of the Village Pancha
Sernabatim, Vanelim, Colva & Gandaul
Salcete - Goa Pin Code 403 708

Ref. No. VP / SVCG /

Date 20/4/11

TRUE COPY

Resl.No.4(2), dated 13/4/2011.

"The letter from Goa Coastal Zone Management Authority ,Vide ref.No.GCZMA//S/08-09/41/50, dated 1/4/2011 was received by this Panchayat on 13/4/2011, Inwarded under No.85, regarding illegal Construction carried out by Shri. Snowkon Gonsalves & Mrs. Piedade Filomena Gonsalves (Mother of Shri. Snowkon Gonsalves) in Sy.No.51/1,51/2 & 54/4, In respect to our Office letter No. VP/SVCG/2540/2010-11, dated 24/3/2011. Whereas, as per the letter of GCZMA, and with ref. to Para 3 , the directions of the GCZMA contained in its letter dated 3/01/2011 (referred at (2) above) are very clear and the structures which requires to remove is clearly indicated in the Annexure'S /Plans appended to the letter dated 3/01/2011. All the issues which have been sought to be raised at this instant , by two of Members have been adequately addressed in the GCZMA directions dated 3/1/2011.
With ref. to Para No.4,The Authority is Concerned about the unreasonable delay on the part of Village Panchayat of Colva to take action to comply with the Orders of the Hon'ble High Court in W.P. No.236 of 2010 and the GCZMA directions dated 3/01/2011. It is quite apparent that the Village Panchayat of Colva is resorting to time delay tactics through such unreasonable queries and correspondence , in an attempt to delay giving effect to the Orders cited above.

After going through contents of the above referred letter, Shri. Anthony Fernandes (Dy.Sarpanch) stated that he will not responsible for any action, since it is High Court direction. After prolonged discussion, it is Unanimously resolved to send final demolition Notice and simultaneously to requisition of Demolition Squad from Deputy Collector through B.D.O,Salcete . Further also resolved to inform GCZMA to be present at the site to indentify and demarcate the structures at the time of demolition as per the High Court direction.

SECRETARY
Village Panchayat
SERNABATIM, VANELIM
COLVA & GANDAULIM

SECRETARY
Village Panchayat
SERNABATIM, VANELIM
COLVA & GANDAULIM

RECEIVED
No.....Dt.12/5/2011 Sign.....

Ph- 2788485

Office of the Village Panchayat
Sernabatim, Vanelim, Colva & Gandaulim
Salcete - Goa Pin Code 403 708

Ref. No. VP / SVCG / 251 /2011-12

Date 12/5/2011

To,
The Member Secretary,
Goa Coastal Zone Management Authority
Opp. Saligao Seminary,
Saligao-Bardez-Goa.

Sub: Reg. Illegal Construction carried out by Shri. Snowkon Gonsalves & Mrs. Piedade Filomena Gonsalves (mother of Snowkon Gonsalves) in Sy.No.51/1,51/2 & 54/4.

Sir,

With reference to Our letter No. VP/SVCG/226/2011-12, dated 10/5/2011 and in regards to the above cited subject, this is to inform you that the Demolition which was fixed on 10th may,2011 at 10.30 a.m and had been postponed as informed by this Office accordingly with the above referred letter, and the same has been re-fixed on 17th May,2011 at 10.30 a.m as confirmed with the Demolition Squad Authorities .

So, Kindly make Convenient to be present for site inspection on the above referred date & time.

This is for your kind information.

Yours faithfully

SECRETARY

C,CtO. Norma Alvares
Advocate,
G-8,St. Britto's Appts.
Mapusa-Goa, for information.

RECEIVED
No.....Dt.20/5/2011 Sign.....

GOA COASTAL ZONE MANAGEMENT AUTHORITY
C/o Department of Science, Technology & Environment (Government of Goa)
Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa – 403 511
Phone: (0832) 2407186, 2407187, 2407189 Fax: (0832) 2407186

Ref: GCZMA/S/08-09/41/165 *Date:* 19/05/2011

To,

1. **The Sarpanch,** Village Panchayat of Colva, Salcete – Goa.
2. **The Secretary,** Village Panchayat of Colva, Salcete – Goa.

Sub: Illegal constructions carried out by Mr. Snowkon Gonsalves and Mrs. Piedade Filomena Gonsalves (mother of Mr. Snowkon Gonsalves) in Sy. No. 51/1, 51/2 and 54/4.

Ref: 1) Order of the Hon'ble High Court of Bombay at Goa in W.P. No. 236 of 2010 dated 10/08/2010 ***[Goa Foundation v/s V.P. of Colva & Ors.].***
2) This Office Letter No. GCZMA/S/08-09/41/773 dated 03/01/2011.
3) This Office Letter No. GCZMA/S/08-09/41/874 dated 14/02/2011.
4) Your Office Letter No. VP/SVCG/2452/10-11 dated 08/03/2011.
5) This Office Letter No. GCZMA/S/08-09/41/928 dated 10/03/2011.
6) Your unsigned Letter bearing No. VP/SVCG/2540/2010-2011dated 24/03/2011 received in this Office on 01/04/2011.
7) This Office Letter No. GCZMA/S/08-09/41/50 dated 11/04/2011.
8) Your Office Letter No. VP/SVCG/67/2011-12 dated 17/04/2011.
9) Your Office Letter No. VP/SVCG/213/2011-12 dated 05/05/2011.
10) Your Office Letter No. VP/SVCG/226/2011-12 dated 10/05/2011.
11) Your Office Letter No. VP/SVCG/251/2011-12 dated 12/05/2011.

Sir / Madam,

May kindly refer the Order of Hon'ble High Court of Bombay at Goa in Writ Petition No. 236 of 2010 *(referred at (1) above),* this Office directions vide letter dated 03/01/2011 *(referred at (2) above),* this Office letters dated 14/02/201, 10/03/2011 and 11/04/2011 *(referred at (3)(5)and (7)above)* and your letters as referred above.

2. In this respect please find enclosed herewith the Minutes of the Meeting held today (19/05/2011) wherein it has been sufficiently clarified as regards the identification of Plot 'A' shown on Exhibit 'A' in Writ Petition No. 76 of 1995 referred to in para (8) of the directions of Hon'ble High Court dated 10/08/2010 in Writ petition No. 236 of 2010. As decided and directed you are required to forthwith requisition the services of demolition squad and take action to demolish the structure standing thereon in Sy. No. 54/4-A.

3. An Action Taken Report (ATR) may be submitted to this Authority within 15 days (i.e. 03rd June, 2011).

Yours faithfully,

(Michael M. D'Souza)
Member Secretary (GCZMA) &
Director/Ex-Officio, Joint Secretary (STE)

Copy to:-

1. **P. A. to Secretary (Environment) & Chairman (GCZMA),** Secretariat, Porvorim-Goa..... *for kind information.*
2. **P.A to Director of Panchayats,** Directorate of Panchayats, Panaji – Goa ..... *for kind information.*
3. **Dr. Claude Alvares,** Director, the Goa Foundation, G-8, St. Britto's Apartments, Feira Alta, Mapusa – Goa..... *for kind information.*
4. **The Dy. Collector & SDO (Salcete),** Salcete Goa..... *for kind information*
5. **The Block Development Officer,** Salcete – Goa ..... *for kind information*

MINUTES OF THE MEETING CONVENED BY MEMBER SECRETARY, GOA COASTAL ZONE MANAGEMENT AUTHORITY (GCZMA) IN RESPECT OF IDENTIFYING PLOT A OF EXHIBIT 'A' IN WRIT PETITION NO. 76 OF 1995 AS PER ORDER OF THE HON'BLE HIGH COURT IN WRIT PETITION NO. 236 OF 2010 DATED 10/08/2010 (PARA 8).

A Meeting was convened following the objections raised by Shri Snowkon Gonsalves at the time of demolition at the site in Sy. No. 54/4-A of Village Colva for which demolition squad was requisitioned by Village Panchayat of Colva in terms of directions contained in Writ Petition No. 236 of 2010, read with GCZMA directions dated 03/01/2011 and the statement made by Village Panchayat of Colva on 05th May, 2011 in Contempt Petition No. 6 of 2011 in W.P. No. 236 of 2010.

The meeting was attended by

1. Dr. A.G. Untawale, Member, GCZMA,
2. Mrs. Suzie Fernandes, Sarpanch, Village Panchayat Colva alongwith Panchayat Secretary.
3. Dr. Claude Alvares, Director, Goa Foundation (Petitioner in Writ Petition No. 236 of 2010).
4. Mr. Galileo Teles, Advocate of Shri Snowkon Gonsalves.
5. Mr. Snowkon Gonsalves, Colva, Salcete – Goa.
6. Member Secretary, Goa Coastal Zone Management Authority (GCZMA).
7. Mrs. Venefreda e Gracias Braganza, Legal Assistant, GCZMA.
8. Mr. Pravin Parab, Jr. Cartographer, GSCST.
9. Mr. Santosh Volvaikar, GCZMA Official.

2. The proceedings in the case were detailed by Member Secretary (GCZMA) with all relevant documents as per para (9) of the GCZMA directions dated 03/01/2011. Adv. Galileo Teles objected to the process and procedure of identification of the plot 'A' in Exhibit 'A' of Writ Petition No. 76 of 1995. He referred to para (7) of the Hon'ble High Court Order in Writ Petition No. 236 of 2010 and stressed that the GCZMA should identify the structure to be demolished. Further he tried to raise several observations which form part of the proceedings in W.P. No. 76 of 1995, W.P. No. 237 of 1999 and W.P. No. 236 of 2010. Dr. Claude Alvares, Director, Goa Foundation objected to the observations made, stating that all these details have been clarified by various orders / directives of Hon'ble High Court issued from time to time and that the meeting convened by Member Secretary (GCZMA) is pertaining for identification for the plot and for the sole purpose for giving appropriate directions to Village Panchayat of Colva to proceed further with the demolition.

3. It was clarified to all parties concerned that in terms of the Order of Hon'ble High Court in W.P. No. 236 of 2010, the GCZMA shall identify the plot 'A' which it has done vide directions dated 03/01/2011. Further the Village Panchayat of Colva shall take

action to demolish the structure standing thereon. After clarifying the details as above, Village Panchayat of Colva was directed to requisition the services of the demolition squad and proceed further to demolish the structure of which details have been provided to the Village Panchayat of Colva. The Sarpanch and Village Panchayat Secretary of Village Panchayat of Colva stated that their doubts regarding the structure to be demolished has been completely clarified. The Village Panchayat of Colva shall proceed to execute the Order for demolition, expeditiously.

(Michael M. D'Souza)
Member Secretary (GCZMA)

Copy for information to:

1. **Dr. A.G. Untawale, Member, GCZMA,** Sagar Society, Dona Paula.
2. **The Dy. Collector & SDO (Salcete),** Salcete Goa.
3. **The Block Development Officer,** Salcete – Goa.
4. **Dr. Claude Alvares, Director,** Goa Foundation, G-8, St. Britto's Apartments, Feira Alta, Mapusa – Goa.
5. **Mrs. Suzie Fernandes, Sarpanch,** Village Panchayat of Colva, Colva Salcete – Goa.
6. **The Panchayat Secretary,** Village Panchayat of Colva, Colva Salcete – Goa.
7. **Adv. Galileo Teles,** C/o Adv. C.A. Ferreira, 1st Floor, Camila Bldg., D. Joao Crasta Road, Opp. Keni Petrol Pump, Panaji – Goa.
8. **Mr. Snowkon Gonsalves,** H. No. 122/1, 2nd Ward Colva, Salcete – Goa .
9. **O.S.D. to Hon'ble Minister for Environment,** Secretariat, Porvorim – Goa.
10. **P. A. to Secretary (Environment) / Chairman (GCZMA),** Secretariat, Porvorim – Goa.

(Michael M. D'Souza)
Member Secretary (GCZMA)

GOA COASTAL ZONE MANAGEMENT AUTHORITY
C/o Department of Science, Technology & Environment (Government of Goa)
Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa – 403 511
Phone: (0832) 2407186, 2407187, 2407189 Fax: (0832) 2407186

Ref: GCZMA/S/08-09/41/238 *Date*: 02 /06/2011

To,

1. **The Sarpanch,** Village Panchayat of Colva, Salcete – Goa.
2. **The Secretary,** Village Panchayat of Colva, Salcete – Goa.

Sub: Illegal constructions carried out by Mr. Snowkon Gonsalves and Mrs. Piedade Filomena Gonsalves (mother of Mr. Snowkon Gonsalves) in Sy. No. 51/1, 51/2 and 54/4.

Ref: 1) Order of the Hon'ble High Court of Bombay at Goa in W.P. No. 236 of 2010 dated 10/08/2010 ***[Goa Foundation v/s V.P. of Colva & Ors.].***
2) This Office Letter No. GCZMA/S/08-09/41/773 dated 03/01/2011.
3) This Office Letter No. GCZMA/S/08-09/41/874 dated 14/02/2011.
4) Your Office Letter No. VP/SVCG/2452/10-11 dated 08/03/2011.
5) This Office Letter No. GCZMA/S/08-09/41/928 dated 10/03/2011.
6) Your unsigned Letter bearing No. VP/SVCG/2540/2010-2011dated 24/03/2011 received in this Office on 01/04/2011.
7) This Office Letter No. GCZMA/S/08-09/41/50 dated 11/04/2011.
8) Your Office Letter No. VP/SVCG/67/2011-12 dated 17/04/2011.
9) Your Office Letter No. VP/SVCG/213/2011-12 dated 05/05/2011.
10) Your Office Letter No. VP/SVCG/226/2011-12 dated 10/05/2011.
11) Your Office Letter No. VP/SVCG/251/2011-12 dated 12/05/2011.
12) This Office Letter No. GCZMA/S/08-09/41/165 dated 19/05/2011.
13) Your Office Letter No. VP/SVCG/325/2011-12 dated 26/05/2011

Sir / Madam,

With reference to your letter dated 26/05/2011 referred at (13) above, this Office desires to place on record the following facts:

1) When the Panchayat fixed the date to carry out the demolition of the illegal structures of Shri Snowkon Gonsalves on the 10/05/2011 at 10.30 a.m; the GCZMA Member along with the GCZMA Official was present on site.

2) It was observed by the GCZMA Member that there was no representative from the Colva Panchayat, BDO, Deputy Collector, Police Squad and Demolition Squad were present on the respective site. The GCZMA official along with its Member Dr A G. Untawale visited to the O/o of V. P. Colva to inquire about the demolition process. At that relevant point of time, the Sarpanch and the V.P. Secretary informed the Member of GCZMA that a demolition request was made to BDO concerned for 10/05/2011, however the BDO could not organize the demolition squad, hence the GCZMA Member along with the GCZMA official had to return.

3) The Sarpanch and the Secretary of V.P. Colva informed Dr. A.G.Untawale that they would send a official letter to the GCZMA on 10/05/2011.

4) With reference to para 2 of your letter dated 26/05/2011 you have mentioned the following; ".....W.P. No 236 of 2010, GCZMA was required to identify and demarcate plot A as shown on plan at exhibit A in W.P. No 76 of 1995."

It is brought to your notice that the Hon'ble High Court of Bombay at Goa in its order dated 10/08/2010 in W.P. No. 236 of 2010 directed the GCZMA to identify the Plot No. "A" shown at Exhibit "A" in W.P. No 76 of 1995 and directed that the Village Panchayat of Colva shall take action to demolish the structure/building standing on the said plot 'A'. The Order of the Hon'ble High Court clearly recognizes that the structure, compound wall and well in Sy.No. 54/4, (54/4-A) to be illegal.

5) This issue regarding identifying the structure was brought up on the day the demolition was schedule i.e. on 17/05/2011. Even though the GCZMA Member Dr. A G Untawale had identified the structures; the Secretary of V.P. of Colva appears to have misled the Member on the identification of the structure thus creating confusion by insisting that the structure be demarcated on the site. To sort out this confusion the Member of the GCZMA called for an Official meeting with all concerned on the 19/05/2011 so as to clarify all doubts with regards to the demolition.

6) With reference to para 3 of your letter dated 26/05/2011, it is strongly denied that "*.....accordingly the demolition could not take place due to failure of your official to demarcate plot 'A' on site.*" The order of the Hon'ble High Court clearly states that the GCZMA should identify plot 'A' which it has clearly done so, and it appears that the demolition could not take place due to failure on the part of the Village Panchayat of Colva, to take further action in the matter.

Since the V.P. of Colva created confusion by not correctly interpreting the order of the Hon'ble High Court and insisted that the GCZMA officials demarcate plot 'A', the Member of the GCZMA decided to have a meeting on 19/05/2011.

7) At the meeting held on 19/05/2011 in the Office of GCZMA, the Member Secretary (GCZMA) clarified with all relevant documents, including the plan and indicated to the V.P. of Colva what structures has to be demolished. The Sarpanch and Secretary V.P. of Colva acknowledged of having their doubts clarified regarding the structures. The Meeting was concluded by directing the V.P. of Colva to execute the order for demolition.

8) The contents of para 4 of your letter dated 26/05/2011 are denied. On 19/05/2011 after the meeting was concluded the Minutes of the Meeting was drafted and was posted by registered A.D to the Village Panchayat of Colva vide this Office letter dated GCZMA/S/08-09/41/165 dated 19/05/2011, and the same was acknowledged by the Village Panchayat on the 24/05/2011. The Copy of the Minutes was enclosed along with the letter dated 19/05/2011 which the V.P. of Colva has accepted of having received on 24/05/2011 and now is conveniently denying of not having received the enclosures.

9) With reference to para 5 of your letter dated 26/05/2011, you are once again called upon to correctly interpret the order of the Hon'ble High Court which clearly directs the GCZMA to identify the plot 'A', which has been done and accepted by the V.P. of Colva. You are required to proceed and demolish the structures standing on Plot 'A' immediately.

Yours faithfully,

(Michael M. D'Souza)
Member Secretary (GCZMA) &
Director/Ex-Officio, Joint Secretary (STE)

Copy to:-

1. **P. A. to Secretary (Environment) & Chairman (GCZMA),** Secretariat, Porvorim-Goa..... *for kind information.*
2. **P.A to Director of Panchayats,** Directorate of Panchayats, Panaji – Goa ..... *for kind information.*
3. **Dr. Claude Alvares,** Director, the Goa Foundation, G-8, St. Britto's Apartments, Feira Alta, Mapusa – Goa..... *for kind information.*
4. **The Dy. Collector & SDO (Salcete),** Salcete Goa..... *for kind information*
5. **The Block Development Officer,** Salcete – Goa ..... *for kind information*

IN THE HIGH COURT OF BOMBAY AT GOA

Contempt Petition No. of 2011

in

WRIT PETITION NO. 236 OF 2010

The Goa Foundation ... Petitioner

V/s

Shri ~~V.K. Jha~~ Nuchael M Deouza & anr. ... Respondents

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Panaji 11 January 2011 Advocate for Petitioner

IN THE HIGH COURT OF BOMBAY AT GOA

~~Stamp No 133/2011~~

Contempt Petition No. 6 of 2011

in

Writ Petition No.236/2010

Goa Foundation, a society registered under
the Societies Registration Act, 1960,
through its Secretary, Dr. Claude Alvares,
Addr: Room 7, Above Mapusa Clinic,
Mapusa 403507, Goa
Email id: goafoundation@gmail.com
Tel: 2256479
PAN No: AAAAG0249C ..Petitioner

V/s

1. Shri ~~V.K. Jha~~ Michael M D'Souza, Secretary
~~Chairman~~, GCZMA,
c/o Department of Science, Technology & Environment,
Opp. Saligao Seminary, Saligao, Goa

2. Smt. Angela Borges,
Sarpanch, Panchayat of Colva,
Colva, Salvete, Goa. ... Respondents

3 Shri Anthony Fernandes, Acting Sarpanch
House No. 33, 1st Ward, Colva, Salcette Goa.

CONTEMPT PETITION UNDER ARTICLE 215 OF THE

CONSTITUTION OF INDIA

MAY IT PLEASE YOUR LORDSHIPS:

1. This Contempt petition is filed as Respondents have till date refused to implement the order of this Hon'ble Court dated 10th August 2010 which was passed while disposing of Writ Petition No. 236 of 2010. Total compliance of the order was to be completed with the filing of a compliance report by 31.12.2010. This has not been done.

2. The impugned constructions that were to be removed from the CRZ by the Respondents No. 1 and 2 were originally dealt with by order and judgment of this Hon'ble Court dated 2.3.2000 passed in Writ Petition No. 76/1995. Copy of the judgement dated 2.3.2000 is annexed as ***Exhibit 1***.

3. The Supreme Court, by its order dated 11.3.2004, dismissed the special leave petition filed against the High Court judgement. Judgment of the Apex Court dated 11.3.2004 is at ***Exhibit 2***.

4. Thereafter Writ Petition No. 236/2010 was filed as both the earlier orders were not carried out despite a gap of six years. The matter was heard and this Hon'ble Court on 10.8.2010 was pleased to dispose of the said petition with the following directions to be carried out by 31.12.2010:

Directions

i. The second respondent (GCZMA) shall identify and demarcate the plot "A" shown on plan at exhibit "A" in Writ Petition no. 76/1995.

ii. After aforesaid plot 'A' is identified and demarcated by the second respondent, the first respondent shall demolish the structure/building standing on the said plot "A" within a period of two months from the date on which the demarcation is made. It will be open for the first respondent (Village Panchayat of Colva) to requisition of services of demolition squad from the office of Deputy Collector. The Office of the Deputy Collector will expeditiously provide the squad on requisition made by the first respondent.

iii. A copy of writ petition no. 76/1995 alongwith annexures thereto duly authenticated by the appropriate officer of the Registry shall be supplied to the second respondent.

iv. The exercise of identifying and demarcating the plot "A" shall be carried out by the second respondent within a period of six weeks from the date on which a copy of writ petition no. 76/1995 is supplied.

v. At the time of carrying out the demolition, the concerned officer of the second respondent shall remain present.

vi. The compliance report shall be filed with this Court by the first and second respondent on or before 31.12.2010. A copy of the report shall be supplied to the Advocate for the petitioner.

Copy of the order dated 10.8.2010 is at ***Annexure P3***.

5. Petitioner states that none of the six directions has been carried by the Respondent Nos. 1 and 2. The impugned building still stands on the very spot. For these reasons no compliance report has been filed by the respondents by 31.12.2010.

6. Petitioner therefore has no option but to file this Contempt Petition and to seek notice and order of contempt against the two respondents.

7. Petitioner states that it approached the High Court in year 2010, after it had been informed by villagers of non-compliance of the order of the High Court dated 2.3.2000. In fact, the first respondent herein actually granted permission for renovation of the same structures in 2009, even though they were required to be demolished by the authorities. This

permission was put on hold after complaint was made by the petitioner. The petitioner took the step of filing the complaint because it was anxious that the majesty of this Hon'ble Court and the sanctity of its orders and judgement be protected. Since the order had not been carried out, it appeared as if the violator in the matter, being an influential person and also a Sarpanch of the village, could protect his structure from the operation of judgements passed not just by this Court but also by the Supreme Court of India, and further, brag of his capacity to do so. The original orders for removal of the impugned constructions was issued by the authorities in 1995. The High Court delivered its detailed judgement in 2000. The apex court rejected the SLP filed in the year 2004. This Hon'ble Court passed a fresh order for compliance in August 2010. The structures still stand. The violator has managed to use the structures with impunity for over a decade and half after they were first directed to be removed. The statutory bodies under direction of this Hon'ble Court have refused to comply with Court's directions. Petitioner has no further recourse except to file this contempt petition and get justice.

8. Petitioner is therefore approaching this Hon'ble Court for initiating contempt proceedings against the ~~Chairman~~ Secretary of the Goa Coastal Zone Management Authority and the Sarpanch, Panchayat of Colva, for not obeying this Hon'ble Court's order dated 10.8.2010.

9. Petitioner states that it has not filed in this matter any other petition either in this Hon'ble Court or in the Supreme Court of India.

Prayers:

i) That this Hon'ble Court be pleased to pass an order citing Shri ~~V.K. Jha~~ Michael M D'Souza, Secretary, ~~Chairman,~~ GCZMA, for contempt of this Hon'ble Court's order dated 10.8.2010.

ii) That this Hon'ble Court be pleased to pass an order citing Smt Angela Borges, Sarpanch, Panchayat of Colva, for contempt of this Hon'ble Court's order dated 10.8.2010.

iii) For costs of this contempt petition.

iv) For any other actions this Hon'ble Court may be please to take in these circumstances.

For the above the petitioner is very grateful.

Panaji _____January 2011 Petitioner

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IN THE HIGH COURT OF BOMBAY AT GOA

Contempt Petition No. of 2010

in

WRIT PETITION NO. 256 OF 2009

AFFIDAVIT OF PETITIONER

I, Dr Claude Alvares, aged 62 years, Secretary, petitioner herein, do hereby solemnly affirm as under:

1) I have filed a contempt petition against Shri ~~V.K. Jha, Chairman,~~ Michael M. D'Souza (not changed in Court CPM) GCZMA and Smt. Angela Borges, Sarpanch, Colva Panchayat, Goa, for disobeying the orders of this Hon'ble Court passed in Writ Petition No.236/2010.

2) I do hereby solemnly state and affirm that what has been stated in paragraphs 1 – 5 and 9 is true to the best of my knowledge and what is stated in the remaining paragraphs, namely, paras 6, 7 & 8 are in the nature of legal submissions and/or inferences of facts, which I believe to be true.

Solemnly affirmed at Panaji
this the 11 day of January 20111 Deponent

N 7

Exhibit 1

IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITIONS NO 76/1995 AND 237/1999.

WRIT PETITION NO. 76/95.

Shri Felix Menino Jesus Serrao,
resident of Colva, Salcete, Goa. ... Petitioner.

Versus

1. State of Goa,
through Chief Secretary,
Secretariat, Panaji, Goa.

2. The Town & Country Planning
Dept., Panaji, Goa.

3. The Sarpanch,
Village Panchayat of Colva,
Colva, Salcete, Goa.

4. Smt. Piedade Filomena Gonsalves,
resident of Colva, Salcete, Goa. ... Respondents.

Shri S.S. Kantak, Advocate for the Petitioner.

Ms. W. Coutinho, Government Advocate for Respondents No.1 and 2.

Shri E.P. Lobo, Advocate for the Respondent No.3.

Shri V.A. Lawande, Advocate for the Respondent No.4.

WRIT PETITION NO. 237/99.

Smt. Piedade Filomena Gonsalves,
resident of Colva, Salcete, Goa. ... Petitioner.

Versus

1. State of Goa,
through its Chief Secretary,
having office at Secretariat,
Panaji, Goa.

2. Goa Coastal Zone Management
Authority, through its Member
Secretary, having office
at Saligao, Bardez, Goa.

3. Town & Country Planning Dept.,
through the Senior Town Planner/
Chief Town Planner,
having office at Panaji, Goa. ... Respondents.

HIGH COURT OF JUDICATURE AT BOMBAY PANAJI BENCH GOA

Shri V.A. Lawande, Advocate for the Petitioner.

Ms. W. Coutinho, Government Advocate for the Respondents No.1 and 3.

CORAM: R.K. BATTA,
R.M.S. KHANDEPARKAR, JJ.

DATE: 2ND MARCH, 2000.

ORAL JUDGMENT: (PER BATTA, J.)

The petitioner in Writ Petition No.76/95 seeks directions to respondent no.3 to act in pursuance of Notices dated 24th February, 1994 and 16th February, 1995 to demolish the compound wall and the building illegally constructed by the respondent no.4. In Writ Petition No.237/99 the petitioner (who is respondent no.4 in Writ Petition No.76/95) seeks quashing and setting aside of Order dated 2.2.99 passed by respondent no.3 therein and for directions to respondent No.2 to consider the regularisation of the petitioner's structures in Survey No.54/4 and 51/2. The controversy in the two petitions centres around the same property and, as such, the petitions were taken up together. Learned Advocate for the Petitioner in W P No 237/99 had requested on 27.9 99 to take up this Petition alongwith W.P. No.76/95 and, as such, arguments on merits in respect of both the petitions were heard.

2. In Writ Petition No.76/95 the petitioner contends that the property of respondent no.4 under

HIGH COURT OF JUDICATURE AT BOMBAY PANAJI BENCH GOA

survey 54/4 is situated within less than 200 metres from the High Tide Line and that respondent No.4 has made construction of compound wall, dug a well and constructed a building in the said property without obtaining any permission or licence and that respondents no.2 and 3 have already rejected the plans for construction of compound wall and the well. It is further the case of the petitioner that inspite of the fact that respondent no.3 has issued notices for demolition of compound wall and the building, the respondent no.3 is not taking any action to demolish the same. According to the petitioner, the respondent no.4 had escavated sand dunes for the purpose of the said construction.

3. Respondent No.4 filed affidavit dated 23rd June, 1995 in which it was contended that the property in question had already a construction consisting of laterite pillars covered by palm leaves and thatched roof used partly to store coconuts and partly for residence during summer for sea bathers. It was further urged by respondent no.4 that in front of petitioner's plot that is between the petitioner's plot and the sea beach, there are residential houses and also a hotel. Respondent No.4 admitted in this reply that the property in question which is purchased by her consists mainly of sand dunes. According to

HIGH COURT OF JUDICATURE AT BOMBAY PANAJI BENCH

respondent No.4 she wanted to convert the existing hut into residential rooms and she was told that since the structure was existing, it was not necessary to apply for conversion and not to take any permission or licence for the said purpose. Subsequently by application dated 19th November, 1994, the respondent no.4 applied for regularisation of the constructions and for necessary licence. But no order on the same has been passed by the authorities. According to respondent No.4 the construction done by her is required to be regularised. Subsequently, respondent No.4 filed additional affidavit on the ground that certain subsequent developments had taken place and certain additional facts were required to be placed on record. Accordingly, in this affidavit, it was stated that the respondent No.4 had not excavated any sand dunes in the suit property. It was specifically stated in this reply that the construction put up by respondent No.4 is beyond 200 metres of HTL and that the Order dated 20.10.95 by the Goa State Coastal Committee of Environment had never been communicated and it is only on 2.2.99 that the said Order was communicated which is sought to be challenged by filing Writ Petition No.237/99. In this affidavit, it was also stated that the construction in Survey No.54/4 was started on 13.7.94 and completed on 17.8.94.

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4. In Writ Petition No.237/99 the challenge to Order dated 2.2.79 passed by respondent No.3 therein is that the said Order has been passed in violation of the principles of natural justice; that there always existed a structure of thatched roof of laterite stones pillars which was used by sun bathers and visitors; that the construction of the building in place of the said structure was started on 13.7.94 and completed on 17.8.94 and that the said structure of the petitioner is 200 metres away from HTL. It was also urged in this petition that the application for regularisation has not been disposed of.

5. Respondent No.3 has filed affidavit in this petition stating that the representation dated 17.5.95 and 11.7.95 of the petitioner was discussed in the 8th GSCCE meeting held on 20th July, 1995 and on the said day the Sub-Committee decided to inspect the site and after inspection of the site, decision was taken in the matter on 20.10.95 which was communicated to the petitioner, by letter dated 8.12.95 against which the petitioner never reacted. It is specifically urged by respondent No.3 that in order to create a cause of action, the petitioner has maliciously misled the respondent to give her a fresh copy of the decision taken by GSCCE at the 9th meeting held on 20.10.95.

According to respondent No 3 the construction is completely illegal inasmuch as no permission or licence has been secured from the respondents nor from the Colva Village Panchayat. It was also stated that the structure is on sand dunes and it is within 200 metres from HTL.

6. In rejoinder, the petitioner has affirmed that Order dated 20.10.95 was never communicated to the petitioner and respondent No.3 has produced xerox copy of the outward register wherein the said letter dated 8.12.95 is shown to have been despatched to the petitioner.

7. We have heard learned Advocates, appearing in the matter. Learned Advocate Shri S.S. Kantak has taken us through the facts of the case and has submitted that the constructions made by the petitioner are without any licence and without obtaining permission from the authorities concerned and that the constructions are within 200 metres of the HTL and that the constructions have been made on the sand dunes which is not permissible as Per CRZ Regulations. He also pointed out that the change of stand by Respondent No.4 in Writ Petition No.76/95 and in this connection has drawn our attention to the two affidavits filed by the respondent No.4. After

drawing our attention to the said affidavits, it is urged that though the respondent No.4 had admitted in the first affidavit that the construction had been stopped after the notice dated 26.11.94 was received, but in the second affidavit the respondent No.4 has stated that the construction had already been completed by 17.8.94. Shri Kantak also drew our attention to CRZ Regulations and pointed out that Colva has been classified as CRZ III, except sand dunes which are classified as CRZ I and that in CRZ III there are restrictions on the constructions to which our attention has been drawn by him. He therefore contends that the constructions in question are liable to be demolished.

8. Learned Addl. Government Advocate Ms. W. Coutinho, pointed out before us that the demolition notices have already been issued. She further urged that the decision taken by GSCCE on 20.10.95 was communicated to the petitioner by letter dated 8.12.95 against which respondent No 4 never reacted and belatedly sought to challenge the said order on the ground that the same was not received.

9. Learned Advocate Shri Lobo, appearing for respondent No.3 stated that notices for demolition have already been issued

...CATURE AT BOMBAY PAN...

10. Learned Advocate Shri V.A. Lawande, appearing on behalf of respondent No.4 in Writ Petition No 76/95 and for the petitioner in Writ Petition No.237/99 strenuously urged before us that the construction in question does not fall within 200 metres of HTL; that HTL has still not been demarcated; that the structure existed in the property in question and the petitioner in Writ Petition No.237/99 had merely repaired the said structure; that the petitioner Piedade Gonsalves is entitled to regularisation of this construction in question in view of amended Rule 3 of the Goa, Daman and Diu Village Panchayat (Regulation of Buildings) Rules, 1985 and that the application for regularisation has not been disposed of by the authorities so far. He, therefore, contends that the decision taken by GSCCE is required to be set aside. Besides this, it is pointed out that the said GSCCE is neither a statutory body nor it is in existence now.

11. We had given liberty to the petitioner Piedade Gonsalves to place before us material in order to substantiate her contention that the construction in question is liable to be regularised in accordance with Rules and Regulations. This opportunity was given since the petitioner Piedade Gonsalves had alleged that no opportunity was given by the GSCCE before decision was taken by them to the effect that

OF JUDICATURE AT BOMBAY PANA

the construction in question could not be regularised and that the principles of natural justice have been violated.

12. The central question which is required to be dealt with in these petitions is whether the constructions put up by Piedade Gonsalves are in accordance with the Rules and Regulations. The said Piedade Gonsalves had in categorical terms admitted in affidavit dated 23rd June, 1995 that the suit property consists mainly of sand dunes. It was nowhere specified in the said reply or the reply filed thereafter or any other document placed for the purpose of regularisation as to which part of the property consisted of sand dunes. This was absolutely essential since Piedade Gonsalves had herself admitted that the property in question consisted mainly of sand dunes. It is also to be noted at this stage that the construction of the compound wall, the well and the construction of the building in survey No.54/4 does not have any permission nor any licence from any authority. According to Piedade Gonsalves there already existed a structure in the suit property and the said petitioner had merely repaired the same. The details of the said structure, the location of the said structure, the extent of the said structure was nowhere specified by the petitioner Piedade Gonsalves.

JUDICATURE AT BOMBAY PANAJI

Besides this, a bare look at the photographs produced by the petitioner Felix Serrao which are at page 23 clearly show that it is not a case of repairs, but it is a case of total reconstruction. The photographs at page 22 of the petition show the existence of sand dunes, cutting and levelling of the sand dunes. The photos have not been disputed though it is stated in Para 2 of affidavit dated 25.6.99 filed in W.P. No.76/95 that photos are clicked at a particular angle so as to create an impression that the structure is on sand dunes which have been cut. The photos speak for themselves.

13. Besides this, the case of the authorities as well as the petitioner Felix Serrao is that the construction is within 200 metres of HTL. This was disputed by Piedade Gonsalves and her case is that the property in question as well as the structures are beyond 200 metres away from the HTL. Here again it is not disclosed by Piedade Gonsalves as to how far away is the suit property from the HTL, except for saying that it is beyond 200 metres of HTL. At this stage, it is relevant to note that as per CRZ Regulations, the village of Colva has been classified as CRZ III, except sand dunes which are classified as CRZ I. In CRZ III, the area upto 200 metres of HTL has been earmarked as 'No Development Zone' and no construction

JUDICATURE AT BOMBAY PANA

is permitted except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density and for permissible activities under the notification including facilities essential for such activities. Development of vacant plots between 200 and 500metres of High Tide Line in designated areas of CRZ-III with prior approval of Ministry of Environment and Forests (MEF) is permitted for construction of hotels/beach resorts for temporary occupation of tourists/visitors subject to the conditions as stipulated in the guidelines at Annexure-II. The guidelines impose further restrictions on development of vacant plots between 200 and 500 metres of HTL. Though the petitioner Piedade Gonsalves has stated that her construction is beyond 200 metres of HTL, yet she has nowhere disclosed that the structures are beyond 500 metres of HTL. Therefore the restrictions in respect of the vacant plots would be directly applicable to the suit property in question and no construction in such area can be carried out without prior approval of the Ministry of Environment. No such approval has been obtained by the petitioner Piedade Gonsalves from the Ministry of Environment and Forests.

14. It is also pertinent to note that the petitioner Piedade Gonsalves has been changing her

COURT OF JUDICATURE AT BOMBAY PANA

stand in the matter from time to time. In the affidavit dated 23rd June, 1995, it was categorically stated in para 13 that the petitioner Piedade Gonsalves had stopped the work of construction on the receipt of notice dated 26.11.94 which means that the construction had not been completed till then. However, inspite of the said stand, petitioner Piedade in subsequent affidavit dated 25th June, 1999 changed her stand and stated that the construction in survey No.54/4 had been started on 13.7.94 and had been completed on 17.8.94. This stand is totally contrary to the material on record.

15. The petitioner Piedade Gonsalves had filed applications dated 17th May, 1975 and 11th July, 1995 for the purpose of approval of the construction in question. The GSCCE which was the competent body at that time had in the 8th Meeting held on 20th July, 1995 had decided that the sub-committee shall inspect the site. The site was duly inspected and it was found that the construction in question falls within 200 metres of the HTL and the construction had been carried out on existing sand dunes. In view of the said site inspection report, a decision was taken by the GSCCE in its meeting on 20th October, 1995 to the following effect :-

" Item No.45:- Proposed construction and

COURT OF JUDICATURE AT BOMBAY PAN

regularisation of existing building in Sy. No.54/4 at Colva village by Smt. Piedade F. Gonsalves.(DJ/6030)

This case was placed in the last 8th G.S.C.C.E. Adjourned meeting held on 20/7/95. The Committee had decided to inspect the sit. Accordingly the site has been seen by the G.S.C.C.E. Sub-Committee on 12/9/95 and it was observed that :

1) The applicant has proposed for regularisation of building newly constructed sand dunes.

2) The applicant has already constructed partly i.e. 9 rooms are constructed which are also not as per the site conditions.

3) The portion to be constructed i.e. common room and rooms with 4 toilets with porch is to be done on the existing sand dunes. The said dunes partly have been already cut and flattened by the applicant.

4) The site plan submitted does

JUDICATURE AT BOMBAY PA

not tally as per the site condition. The applicant already carried out partly construction of compound wall. The existing building which is constructed does not have required side set back. The completed building provided flat terrace.

5) The entire existing and proposed construction falls under Cultivable land as per the Regional Plan and within the 200 mts. from H.T.L.

The G.S.C.C.E. agreed to the above observations of the Sub-Committee."

16 This decision is said to have been conveyed to the petitioner Piedade Gonsalves vide letter dated 8.10.95, but the fact that it was conveyed is disputed by the petitioner Piedade Gonsalves and respondent no.3 has placed before us the outward register by which this letter was despatched to the petitioner

COURT OF JUDICATURE AT BOMBAY PANAJI

Piedade Gonsalves. Thus, in effect the request of the petitioner Piedade Gonsalves for approval as well as for regularisation of the construction in question, has been duly considered by the competent Committee. Besides this, the petitioner Piedade Gonsalves has not been able to satisfy us that the constructions in question are liable to be regularised. As we have already pointed out, the constructions have been done without obtaining any permission or licence or prior approval of the Ministry of Environment and Forests, as required under the CRZ Regulations. The constructions in question are totally illegal and, as such, are liable to be demolished.

17. For the aforesaid reasons, the Writ Petition No.76/95 is allowed and the compound wall, well and the building falling in Survey Nos.51/1, 51/2 and 54/4 are ordered to be demolished. Respondent No.3 shall therefore take necessary action in that regard. Rule is accordingly made absolute in the aforesaid Writ Petition. The interim order dated 24.7.95 is hereby vacated. In the facts and circumstances, the costs shall be borne by respondent No.4 in Writ Petition No.76/95.

JUDICATURE AT BOMBAY

12 Writ Petition No 277'99 is dismissed with costs

(R.K. BATTA)
JUDGE.

(R.M.S. KHANDEPARKAR)
JUDGE.

Exhibit 2 23

cable to a licensee. With the aid of the above provision, read with clauses (a) and (b) of sub-section (1) of Section 43-A it can well be inferred that the expression 'any person' used may be persons or bodies discharging the functions of generation, transmission, distribution or supply of electricity. Clause (c) of sub-section (1) of Section 43-A does not envisage a generating company selling/supplying electricity for use in household or domestic purpose or to the small shops, to the show rooms or an individual running a flour mill or a welding workshop etc. Therefore, to assign a wide meaning to the word 'any person', meaning thereby, to any end consumer would be spreading the meaning too wide going beyond the subject matter dealt with under the Supply Act and not connected with the intent and object of legislating the said legislation. It is true that as a general principle a plain meaning is to be attached to a word or expression used in the legislation but it cannot be divorced of the context and an isolated meaning attached to it. In such circumstances, it becomes necessary to assign a meaning which may be reasonably and harmoniously derived from the company of the words and phrases preceding such expression. In this view of the matter, it can well be said that the meaning of the expression 'any person' as used in clause (c) of sub-section (1) of Section 43-A denotes such bodies or entities which would further the purpose for which the electricity boards have been constituted. It is for the board to coordinate different activities in discharge whereof to make available the electricity to the licencees, distributors or those who transmit the electricity. It would be reasonable to infer that the consent of the State Government may be necessary to have a contract of sale of electricity generated by it with any of such bodies discharging any of such functions like that of the Board indicated above or any other body or entity established for similar purpose.

55. In view of the finding recorded above regarding meaning of the word 'any person' occurring in clause (c) of sub-section (1) of Section 43-A of the Act, it becomes wholly unnecessary to go into the question as to in fact any consent was given by the State Government, if so, when and the effect of the same for supply of electricity to the sister concern of the participating industries.

56. We, therefore, hold that no licence is necessary for utilization of energy generated by APGPCL and utilized by the participating industries and the concerns holding shares of APGPCL transferred to them by the participating industries to the extent of value of the shares so transferred. It would, however, be necessary to have a licence for supply of energy to the sister concerns. In the result, the appeals are partly allowed and the judgment and order passed by the High Court stands modified in the manner indicated above. Parties to bear their own costs.

Appeal partly allowed.

AIR 2004 SUPREME COURT 3112

(From : AIR 2001 Bombay 294)

R. C. LAHOTI AND
Dr. AR. LAKSHMANAN, JJ.

Civil Appeal Nos. 960-961 of 2002, D/-11-3-2004.

Piedade Filomena Gonsalves, Appellant v. State of Goa and others, Respondents.

Environment Protection Act (29 of 1986), S. 3 — Protection of ecology and environment in coastal area — Issuance of Coastal Regulation Zone Notifications — Raising of construction near coastal area within 200 metres of High Tide Line (HTL) in violation of such notification — Cannot be lightly condoned — Direction by High Court in earlier writ petition in matter of demarcation and determination of HTL based on amendment to Notification — Appellant cannot take benefit of such direction as his construction was completed prior to date of said amendment — No prior permission of authorities obtained before raising construction — Order of High Court for demolition of construction — Proper.

(Paras 5, 6)

Cases Referred: Chronological Paras

Goa Foundation v. State of Goa (1996) Writ Petn. No. 102 of 1996, D/- 25-9-1996 (Bom) 3, 4

Ashok Grover, Sr. Advocate, Ms. Anupama Grover, V.K. Singh, T.N. Singh, Advocates with him for Appellant; T.L.V. Iyer, Sr. Advocate, Ms. A. Subhashini, Advocate with him for Respondents.

JUDGMENT :— The appellant is in pos-

session of a piece of property included in survey No. 54/4 located within the jurisdiction of village panchayat of Colva, Salcete, Goa. It is the appellant's own case, vide para 4 of the writ petition, that earlier there existed a structure of thatched roof supported by laterite stone pillars, which structure was used by sun bathers and visitors. However, in place of old construction, appellant commenced putting up fresh construction which resulted into a pucca building coming up in existence in place of the old structure.

2. The new building is now a structure of laterite stones and cement with a concrete roof. This construction was commenced on 13-7-1994 and completed on 17-8-1994. Two writ petitions came to be filed in the High Court of Bombay at Goa. CWP No. 76 of 1995 was filed by the appellant's neighbour seeking demolition of the construction put up by the appellant. CWP No. 237 of 1999 was filed by the appellant seeking protection of the construction raised by her. The petitioner in CWP No. 76 of 1995 alleged the appellant's construction to be unauthorised and also violative of High Tide Line in Coastal Region Zone within which no construction is permissible. The case of the appellant in writ petition No. 237 of 1999 was that the construction put up by her was beyond 200 metres from High Tide Line, and therefore, permissible and that although the appellant's construction was not supported by permissible and that although the appellant's construction was not supported by previous permissible by the authorities, the same could be regularised. The High Court allowed the writ petition No. 76 of 1995 while dismissing the appellants writ petition No. 237 of 1999. The High Court directed the consfruction put up by the appellant to be demolished.

3. Feeling aggrieved by the common judgment disposing of the two writ petitions, the appellant has filed these appeals by special leave. The learned senior counsel for the appellant has reiterated the same two contentions which were advanced before the High Court. Forceful reliance has been placed on the judgment of the High Court of Bombay delivered by a Division Bench on 25-9-1996 in Writ Petition No. 102 of 1996 titled The Goa Foundation and another v. State of Goa and others, wherein the High Court has issued directions in the matter of determining the High Tide Line on the basis of Hydrographic charts prepared by the Naval Hydrographic Office. The learned senior counsel for the appellant submitted that such a direction issued by the Division Bench of the High Court in another writ petition has been accepted by the respondents and therefore, unless and until the High Tide Line has been determined in compliance with the direction issued by the High Court on 25-9-1996, the construction raised by the appellant should not be demolished.

4. We do not think that any fault can be found with the judgment of the High Court and the appellant can be allowed any relief in exercise of the jurisdiction conferred on this Court under Art. 136 of the Constitution. Admittedly, the construction which the appellant has raised is without permission. Assuming it for a moment that the construction, on demarcation and measurement afresh and on HTL being determined, is found to be beyond 200 metres of HTL, it is writ large that the appellant has indulged into misadventure of raising a construction without securing permission from the competent authorities. That apart, the learned counsel for the respondents has rightly pointed out that the direction of the High Court in the matter of demarcation and determination of HTL is based on the amendment dated 18-8-1994 introduced in the notification dated 19-2-1991 entitled the Coastal Regulation Zone notification issued in exercise of the power conferred by Section 3(1) and Section 3(2)(v) of the Environment Protection Act, 1986, while the appellant's construction was completed before the date of the amendment and therefore, the appellant cannot take benefit of the order dated 25-9-1996 passed in writ petition No. 102 of 1996.

5. It is pertinent to note that during the pendency of the writ petition, the appellant had moved two applications, one of which is dated 11-7-1995, for the purpose of regularisation of the construction in question. Goa State Coastal Committee for Environment the then competent body constituted a sub-committee which inspected the site and found that the entire construction raised by the appellant fell within 200 metres of the HTL and the construction had been carried out on existing sand dunes. The Goa State Coastal Committee for Environment, in its meeting dated 20-10-1995, took a decision inter alia holding that the entire con-

struction put up by the appellant was in violation of the Coastal Regulation Zone Notification.

6. The Coastal Regulation Zone notifications have been issued in the interest of protecting environment and ecology in the coastal area. Construction raised in violation of such regulations cannot be lightly condoned. We do not think that the appellant is entitled to any relief. No fault can be found with the view taken by the High Court in its impugned judgment.

7. The appeals are held devoid of any merit and are dismissed accordingly.

Appeal dismissed.

AIR 2004 SUPREME COURT 3114

(From : Gujarat)*

DORAISWAMY RAJU AND ARIJIT PASAYAT, JJ.

Criminal Appeal Nos. 446-449 with 450-452 of 2004 (arising out of S.L.P. (Cri.) Nos. 538-541 with 1039-1041 of 2004), D/- 12-4-2004.

Zahira Habibulla H. Sheikh and another, Appellants v. State of Gujarat and others, Respondents.

(A) Constitution of India, Art. 21 — Criminal law and fair trial — Concept of qua human rights protection, explained — Witness threatened/forced to give false evidence — Not fair trial — Failure to hear material witnesses — Denial of fair trial — Protection of witnesses, a definite role to play by State.

The principles of rule of law and due process are closely linked with human rights protection. Such rights can be protected effectively when a citizen has recourse to the Courts of law. It has to be unmistakably understood that a trial which is primarily aimed at ascertaining truth has to be fair to all concerned. There can be no analytical, all comprehensive or exhaustive definition of the concept of a fair trial, and it may have to be determined in seemingly infinite variety of actual situations with the ultimate object in mind viz. whether something that was done or said either before or at the trial deprived the quality of fairness to a degree where a miscarriage of justice has resulted. It will not be correct to say that it is only the accused who must be fairly dealw with. That would be turning Nelson's eyes to the needs of the society at large and the victims or their family members and relatives. Each one has an inbuilt right to be dealt with fairly in a criminal trial. Denial of a fair trial is as much injustice to the accused as is to the victim and the society. Fair trial obviously would mean a trial before an impartial Judge, a fair prosecutor and atmosphere of judicial calm. Fair trial means a trial in which bias or prejudice for or against the accused, the witnesses, or the cause which is being tried is eliminated. If the witnesses get threatened or are forced to give false evidence that also would not result in a fair trial. The failure to hear material witnesses is certainly denial of fair trial.

(Para 39)

The State has a definite role to play in protecting the witnesses, to start with at least in sensitive cases involving those in power, who has political patronage and could wield muscle and money power, to avert trial getting tainted and derailed and truth becoming a casualty. As a protector of its citizens it has to ensure that during a trial in Court the witness could safely depose truth without any fear of being haunted by those against whom he has deposed. In a milder form the reluctance and the hesitation of witnesses to depose against people with muscle power, money power or political power has become the order of the day. If ultimately truth is to be arrived at, the eyes and ears of justice have to be protected so that the interests of justice do not get incapacitated in the sense of making the proceedings before Courts mere mock trials as are usually seen in movies.

(Paras 39, 44)

(B) Criminal P.C. (2 of 1974), S. 311 — Evidence Act (1 of 1872), S. 165 — Administration of justice vis-a-vis a fair trial — Presiding Judge must not be a spectator and a mere recording machine — But, should play active role in evidence collecting process — And elicit all relevant materials necessary for reaching the corerct conclusion, to find out truth.

In a criminal case the fate of the proceed-

*Cri. M.A. No. 10315 of 2003 in Cri. R.A. No. 583 of 2003, D/- 19-12-2003 (Guj) and Cri. A. No. 956 of 2003 with Cri. M.A. Nos. 7677, 9825 of 2003, D/- 26-12-2003 (reported in 2004 Cri LJ 771 (Guj)).

DV/DV/S100247/2004/BNG/CSL/17971/2004

N 26

Exhibit 3

IN THE HIGH COURT OF BOMBAY AT GOA.

Writ Petition NO. 236 OF 2010.

Goa Foundation through its
Secretary, Dr. Claude Alvares .....Petitioner.

Versus

Village Panchayat of Colva through
its Sarpanch, Colva Goa and ors. .....Respondents

Ms. Norma Alvares Advocate for the petitioner.

Mr. Pavithran A. V., Advocate for respondent no.1.

Mr. S. Vahidulla, Government Advocate for respondent no. 2.

Mr. G. Teles, Advocate for respondent no.3.

Coram:- A. S. OKA &
F. M. REIS, JJ.

Date:-10th August, 2010.

P.C.

We have heard learned Counsel appearing for the Petitioner. We have heard learned Counsel appearing for the first Respondent . We have heard learned counsel appearing for the third respondent and learned Government Advocate for the second respondent. The basic grievance in this petition is as regards non compliance of the Judgment and order dated 2nd March, 2000 passed

by this Court in earlier Writ Petitions. The said Judgment and order dated 2nd March, 2000 has been passed in Writ petition no. 76/1995 and Writ Petition no. 237/1999. Writ Petition no. 237/1999 was filed by the predecessor of the third respondent. The operative part of the Judgment and order dated 2nd March, 2000 reads thus:-

> For the aforesaid reasons, the Writ Petition no. 76/95 is allowed and the compound wall, well and the building falling in survey no.51/1, 51/2 and 54/4 are ordered to be demolished. Respondent no. 3 shall therefore take necessary action in that regard. Rule is accordingly made absolute in the aforesaid Writ Petition. The interim order dated 24.7.95 is hereby vacated. In the facts and circumstances, the costs shall be borne by respondent no. 4 in Writ Petition no.76/95.

2. The prayer in this Writ Petition is for issuing a direction to the first respondent to forthwith demolish the construction namely, building, compound wall and well falling in survey no. 51/1, 51/2 and 54/4 which were directed to be demolished vide order dated 2nd March, 2000.

3. The contention of the first respondent village panchayat is that the new structure constructed in 1994 which was the subject

matter of Writ Petition no. 76/1995 has been demolished. The third respondent has filed a reply dealing with the averments made in the petition. In the reply a reference has been made to special leave petition filed by the predecessor of the third respondent for challenging the Judgment dated 2nd March, 2000. The stand taken in the reply is that there is no structure standing in survey no. 54/4 which was directed to demolished in the aforesaid writ petition no. 76/1995. In the additional affidavit it is contended that the structure which is standing on as on today in the property bearing survey no. 54/4-A is not the structure which was directed to be demolished by Judgment and Order dated 2nd March, 2000. In paragraphs 3 and 4 of said additional affidavit third respondent has stated thus:-

> Paragraph 3:- I say that the present structure in survey no. 54/4-A was existing prior to 1975 and in the year 1975 construction licence was applied for the purpose of carrying out extension to the existing house, compound wall and well.
>
> Paragraph 4:- I say that total area of the property bearing survey no. 54/4 is approximately 11, 818 sq.mts belonging to several persons and has several structures constructed on it and the plot of the respondent no. 3 bearing survey no. 54/4-A ameasures 1, 385sq.mts.

4. Considering the controversy raised in the petition we had called for the papers of disposed of Writ Petition no. 237/1999 and Writ Petition no. 76/1995. In the said Writ petition no. 76/1995, the prayer made was for commanding village panchayat to act in pursuance to the notices dated 24th February, 1994 and 16th February, 1995 to demolish the compound wall and the building illegally constructed by the respondent no. 4. As stated earlier, the respondent no. 4 therein is the predecessor of the third respondent in the present petition.

5. Perusal of the material averments made in the Writ Petition no. 76/1995 shows that the petitioner therein was claiming to be the owner of a part of the land bearing survey no. 54/4 and claimed to have purchased the said part vide sale deed dated 21st February 1994. There is a plan annexed to the said Writ Petition as Exhibit "A". It is stated in the petition that plot "A" shown on the said plan and access shown thereon have been purchased by fourth respondent therein by sale deed dated 6th August, 1993. The allegation made in the said petition is that the fourth respondent therein started construction of a building in the month of October/November, 1994

on the said property. It is stated that construction was carried out after excavating sand dunes. At page 23 of the said Writ Petition, photographs of the offending construction of the building made by the fourth respondent have been annexed. It will be necessary to see the reliefs claimed by the predecessor of the respondent no. 3 herein in her Writ Petition no. 237/1999. The relief claimed in the said Writ Petition was for protecting the construction. It is not in dispute that the judgment and order dated 2nd March, 2000 passed by the Division Bench of this Court has attained finality. In the judgment of this Court, a reference has been made to the report of the sub committee of the GSCCE which recorded that 9 rooms have been constructed by the predecessor of the third respondent herein. The operative part of the judgment and order is crystal clear which we have already quoted. This Court directed demolition of compound wall, well and building in survey no. 51/1, 51/2 and 54/4.

6. Now the stand taken by the third respondent in the affidavit and the additional affidavit is that his plot bearing survey no. 54/4-A admeasures 1385sq.mts. The stand categorically taken by the first respondent is that judgment and order dated 2nd March, 2000 of this Court has been complied with. However, except for letters

allegedly written by the fourth respondent and petitioner in Writ Petition no.76/1995, no other authentic document such as panchanama recorded by the first respondent panchayat or photographs have been placed on record to prove that the building was demolished.

7. As the aforesaid judgment and order has attained finality, this Court will ensure the compliance of the said order. Apart from the clear description of the structure to be demolished in paragraph 17 of the judgment, the averments made in the Writ Petition no. 76/1995 show that the construction of the illegal building was carried out on a plot marked as plot "A" on the plan annexed as exhibit "A" thereto. Moreover, on the page 23 of the said petition, photographs of the offending structure have been annexed. The second respondent, the Goa Coastal Zone Management Authority will have to identify the plot "A" shown on the plan at exhibit "A" annexed to the Writ Petition no.76/1995 and the building constructed thereon. The said Authority will also consider the photographs of the structure on page 23 of the said Writ Petition. It is not the case of the first respondent that subsequent to the decision of this Court, any permission has been granted to erect any structure on property subject matter of the earlier Writ Petitions. After the plot 'A' and the structure thereon is identified,

the first respondent will have to undertake and complete the exercise of demolition of structure/building found on said plot "A" within a period of two months. The first respondent, if necessary, will have to requisition of services of demolition squad. A xerox copy of the Writ Petition no. 76/1995 alongwith the annexures thereto duly authenticated by the appropriate officer of registry of this Court shall be supplied to the second respondent within a period of two weeks. Time of two months provided in the order will operate from the date on which demarcation is made by the first respondent.

8. Hence we disposed of petition by passing following Order:-

(i) The second respondent shall identify and demarcate the plot "A" shown on plan at exhibit "A" in Writ Petition no. 76/1995.

(ii) After aforesaid plot 'A' is identified and demarcated by the second respondent, the first respondent shall demolish the structure/building standing on the said plot "A" within a period of two months from the date on which the demarcation is made. It will be open for the first respondent to requisition of services of demolition squad from the office of Deputy Collector. The Office of the Deputy Collector will expeditiously provide the squad on requisition made by the first respondent.

(iii) A copy of writ petition no.76/1995 alongwith annexures thereto duly authenticated by the appropriate officer of the Registry shall be supplied to the second respondent.

(iv) The exercise of identifying and demarcating the plot "A" shall be carried out by the second respondent within a period of six weeks from the date on which a copy of writ petition no.76/1995 is supplied.

(v) At the time of carrying out the demolition, the concerned officer of the second respondent shall remain present.

(vi) The compliance report shall be filed with this Court by the first and second respondent on or before 31.12.2010. A copy of the report shall be supplied to the Advocate for the petitioner.

A. S. OKA, J.

F. M. REIS, J.

vn*

IN THE HIGH COURT OF BOMBAY AT GOA

Contempt Petition no.6/2011
In
Writ Petition No. 236/2010

Goa Foundation .... Petitioner

V/s.

Shri V.K. Jha, Chairman,
Goa Coastal Zone Management Authority
& Anr. .... Respondents

AFFIDAVIT

I, Shri Michael M. D'Souza, aged 35 years, functioning as Member Secreatry, Goa Coastal Zone Management Authority (GCZMA) at the Department of Science, Technology and Environment (DSTE), having its office at Saligao –Goa, do hereby solemnly state and affirm as follows:-

1. I say that I am filing the present Affidavit solely for the purpose of pointing out that the demolition of the illegal structure envisaged in Writ Petition No.236/10 has been completed.

2. I say that the Block Development Officers (BDO) has submitted a Report to this effect and the same is being annexed hereto.

Annexed hereto and marked as **Exh. A** is the copy of the Report of BDO dated 22/07/2011.

3. I say that all that is stated in the above affidavit is true to my knowledge and based upon records made available to my office.

Solemnly affirmed at Panaji, Goa
On this 29th day of July 2011 the Deponent

Identified by me;

Adv. Vivek Rodrigues

No.3/Demolition/Colva /BDOS/11-12 1109
Office of the Block Development Officer,
Margao, Salcete - Goa.

Dated:- 22/07/2011.

To,
The Dy. Collector &
In-charge Demolition Squad,
Sub-Division
Margao-Goa.

SUB:- Demolition of illegal structure contained in Survey No.54/4-A of Colva Village belonging to one Shri Snokan Gonsalves.

REF:- Order of the Hon'ble High Court of Bombay at Goa, in contempt Petition No.6 of 2011 dated 11th July, 2011.

Sir,

With reference to the above, this is to inform you that the Village Panchayat of Colva has demolished the illegal structure in survey No.54/4-A of Colva Village belonging to one Shri Snokan Gonsalves. The demolition process was carried out from 19/07/2011 to 21/07/2011 continously with the help of Ex 2000, Breaker Machinery and demolished the entire illegal construction and debris were dumped on the demolition site.

The Panchanama written by the Village Panchayat Secretary of Colva is enclosed herewith for your information.

Yours faithfully,

(UDAY R. PRABHU DESSAI)
Block Development Officer
Salcete-II, Margao-Goa.

Encl:- as above
Copy to:-

1. The Director of Panchayats, Junta House, Panaji-Goa.
2. The Dy. Director of Panchayats, South Goa, Margao.
3. The Member Secretary, Goa Coastal Zone Management Authority (GCZMA) & Director/Ex-Officio, Jt. Secy. (STE).

PANCHNAMA-

As per the Order. No. SDO/SDC/Demo/2011/66 dt 13/7/2011. o/o Dy Collector, SDM. Nanoao. The demolition Squad reported to V.P. Colvem on dt 19/7/2011 at 10.30 am. The following Shri B.B.O Salelkar-P, E.O. V.P. Secretary H.Q, Executive Magistrate and Police Personel's. The Pwd Contractor came along with J.C.B. Machine bearing No. GA-08, A:7576, along with Supervisor & Labours at 10.30 am. at the Site. The demolition Squad, along with Sarpanch & Secretary Proceeded to the Site. The demolition was started with the help of JCB Machine at Site at 11.30 am. Ex aco Hitachi Machine was held up at Nunsai Bridge and reached at Site at 12.00 Noon with Tractor bearing No. GA-08-T 7699 along with trucks. No GA-02-T-7662. The demolition stop at 6.00 p.m.. It was re-started on dt 20/7/2011 at 8.00am with same equipments & trucks JCB and work stop at 6.00 p.m; again was started the work on 21/7/2011 at 8.00 am. with equipment and Completed demolition at 4.30pm The debris of demolition shifted is deposited at the same Site.

Received by V.P. Secretary.

Shruti
ED (VP)

Sarpanch
Act Sarpanch.

(2)

Yours
(Santosh Sawd George)
Contractor

IN THE HIGH COURT OF BOMBAY AT GOA
PANAJI – GOA.

Contempt Petition No.6/2011
In
Writ Petition No. 236/2010

Goa Foundation ... Petitioner
Vs.

V. K. Jha and another .... Respondents

AFFIDAVIT OF RESPONDENT No. 3

I, Antonio Jeronimo Fernandes, aged 50 years, Indian National, Deputy Sarpanch of Village Panchayat of Colva, residing at Colva, Salcette, Goa, do hereby solemnly affirm and state as under:

1) I say that I am the Deputy Sarpanch of Village Panchayat of Colva and as Sarpanch is on leave and as I am presently holding charge of Sarpanch and I am authorized to file the present affidavit being also the Respondent no. 3 in the present matter.

2) I say that, as per order dated 10/08/2010 passed by the Hon'ble High Court in WP no. 236/2010, GCZMA was required to identify and demarcate plot "A" as shown on plan at exhibit "A" in WP no. 76/1995.

3) I say that after the same was identified and demarcated on site by GCZMA, Panchayat has requisitioned demolition squad on 17/05/2011. However, I say that the demolition squad could not

carry out demolition due to various objections raised by the owner of the property.

4) I say that demolition squad was again requisitioned on 14/06/2011 and structure in the said plot 'A' was partly demolished. However, I say that the demolition could not be carried out totally as the equipments which were provided by demolition squad were not suitable for carrying out demolition.

5) I say that demolition squad was again requisitioned on 05/07/2011 and again the demolition could not be carried out as the equipments were again found unsuitable for carrying out demolition.

6) I say that pursuant to the order of this Hon'ble Court, demolition squad was again requisitioned on 19/07/2011 and structure in the said plot 'A' was demolished. However, I say that a portion of compound wall had remained without demolition.

7) I say that demolition squad was again requisitioned on 04/08/2011 and the portion of compound wall of about 8 meters length, which had remained to be demolished, has been demolished totally.

8) As per order dated 10/08/2010 passed by the Hon'ble High Court in WP no. 236/2010, all the structures in plot "A" as shown on plan at exhibit "A" in WP no. 76/1995 have been demolished and the said order has been complied with.

9) Hence, I pray that my affidavit be taken on record.

10) I say that contents of paragraph nos. 1 to 9 above are based on Panchayat records available to me and I believe the same to be true.

Solemnly affirmed at Panaji, Goa, on this 4th day of August 2011,

DEPONENT

Identified by me:

Adv. Amit A. Palekar

IN THE HIGH COURT OF BOMBAY AT GOA.

Writ Petition NO. 236 OF 2010.

Goa Foundation through its
Secretary, Dr. Claude Alvares .....Petitioner.

Versus

Village Panchayat of Colva through
its Sarpanch, Colva Goa and ors. .....Respondents

Ms. Norma Alvares Advocate for the petitioner.

Mr. Pavithran A. V., Advocate for respondent no.1.

Mr. S. Vahidulla, Government Advocate for respondent no. 2.

Mr. G. Teles, Advocate for respondent no.3.

Coram:- A. S. OKA &
F. M. REIS, JJ.

Date:-10th August, 2010.

P.C.

We have heard learned Counsel appearing for the Petitioner. We have heard learned Counsel appearing for the first Respondent . We have heard learned counsel appearing for the third respondent and learned Government Advocate for the second respondent. The basic grievance in this petition is as regards non compliance of the Judgment and order dated 2nd March, 2000 passed

by this Court in earlier Writ Petitions. The said Judgment and order dated 2nd March, 2000 has been passed in Writ petition no. 76/1995 and Writ Petition no. 237/1999. Writ Petition no. 237/1999 was filed by the predecessor of the third respondent. The operative part of the Judgment and order dated 2nd March, 2000 reads thus:-

> For the aforesaid reasons, the Writ Petition no. 76/95 is allowed and the compound wall, well and the building falling in survey no.51/1, 51/2 and 54/4 are ordered to be demolished. Respondent no. 3 shall therefore take necessary action in that regard. Rule is accordingly made absolute in the aforesaid Writ Petition. The interim order dated 24.7.95 is hereby vacated. In the facts and circumstances, the costs shall be borne by respondent no. 4 in Writ Petition no.76/95.

2. The prayer in this Writ Petition is for issuing a direction to the first respondent to forthwith demolish the construction namely, building, compound wall and well falling in survey no. 51/1, 51/2 and 54/4 which were directed to be demolished vide order dated 2nd March, 2000.

3. The contention of the first respondent village panchayat is that the new structure constructed in 1994 which was the subject

matter of Writ Petition no. 76/1995 has been demolished. The third respondent has filed a reply dealing with the averments made in the petition. In the reply a reference has been made to special leave petition filed by the predecessor of the third respondent for challenging the Judgment dated 2nd March, 2000. The stand taken in the reply is that there is no structure standing in survey no. 54/4 which was directed to demolished in the aforesaid writ petition no. 76/1995. In the additional affidavit it is contended that the structure which is standing on as on today in the property bearing survey no. 54/4-A is not the structure which was directed to be demolished by Judgment and Order dated 2nd March, 2000. In paragraphs 3 and 4 of said additional affidavit third respondent has stated thus:-

> Paragraph 3:- I say that the present structure in survey no. 54/4-A was existing prior to 1975 and in the year 1975 construction licence was applied for the purpose of carrying out extension to the existing house, compound wall and well.
>
> Paragraph 4:- I say that total area of the property bearing survey no. 54/4 is approximately 11, 818 sq.mts belonging to several persons and has several structures constructed on it and the plot of the respondent no. 3 bearing survey no. 54/4-A ameasures 1, 385sq.mts.

4. Considering the controversy raised in the petition we had called for the papers of disposed of Writ Petition no. 237/1999 and Writ Petition no. 76/1995. In the said Writ petition no. 76/1995, the prayer made was for commanding village panchayat to act in pursuance to the notices dated 24th February, 1994 and 16th February, 1995 to demolish the compound wall and the building illegally constructed by the respondent no. 4. As stated earlier, the respondent no. 4 therein is the predecessor of the third respondent in the present petition.

5. Perusal of the material averments made in the Writ Petition no. 76/1995 shows that the petitioner therein was claiming to be the owner of a part of the land bearing survey no. 54/4 and claimed to have purchased the said part vide sale deed dated 21st February 1994. There is a plan annexed to the said Writ Petition as Exhibit "A". It is stated in the petition that plot "A" shown on the said plan and access shown thereon have been purchased by fourth respondent therein by sale deed dated 6th August, 1993. The allegation made in the said petition is that the fourth respondent therein started construction of a building in the month of October/November, 1994

on the said property. It is stated that construction was carried out after excavating sand dunes. At page 23 of the said Writ Petition, photographs of the offending construction of the building made by the fourth respondent have been annexed. It will be necessary to see the reliefs claimed by the predecessor of the respondent no. 3 herein in her Writ Petition no. 237/1999. The relief claimed in the said Writ Petition was for protecting the construction. It is not in dispute that the judgment and order dated 2nd March, 2000 passed by the Division Bench of this Court has attained finality. In the judgment of this Court, a reference has been made to the report of the sub committee of the GSCCE which recorded that 9 rooms have been constructed by the predecessor of the third respondent herein. The operative part of the judgment and order is crystal clear which we have already quoted. This Court directed demolition of compound wall, well and building in survey no. 51/1, 51/2 and 54/4.

6. Now the stand taken by the third respondent in the affidavit and the additional affidavit is that his plot bearing survey no. 54/4-A admeasures 1385sq.mts. The stand categorically taken by the first respondent is that judgment and order dated 2nd March, 2000 of this Court has been complied with. However, except for letters

allegedly written by the fourth respondent and petitioner in Writ Petition no.76/1995, no other authentic document such as panchanama recorded by the first respondent panchayat or photographs have been placed on record to prove that the building was demolished.

7. As the aforesaid judgment and order has attained finality, this Court will ensure the compliance of the said order. Apart from the clear description of the structure to be demolished in paragraph 17 of the judgment, the averments made in the Writ Petition no. 76/1995 show that the construction of the illegal building was carried out on a plot marked as plot "A" on the plan annexed as exhibit "A" thereto. Moreover, on the page 23 of the said petition, photographs of the offending structure have been annexed. The second respondent, the Goa Coastal Zone Management Authority will have to identify the plot "A" shown on the plan at exhibit "A" annexed to the Writ Petition no.76/1995 and the building constructed thereon. The said Authority will also consider the photographs of the structure on page 23 of the said Writ Petition. It is not the case of the first respondent that subsequent to the decision of this Court, any permission has been granted to erect any structure on property subject matter of the earlier Writ Petitions. After the plot 'A' and the structure thereon is identified,

the first respondent will have to undertake and complete the exercise of demolition of structure/building found on said plot "A" within a period of two months. The first respondent, if necessary, will have to requisition of services of demolition squad. A xerox copy of the Writ Petition no. 76/1995 alongwith the annexures thereto duly authenticated by the appropriate officer of registry of this Court shall be supplied to the second respondent within a period of two weeks. Time of two months provided in the order will operate from the date on which demarcation is made by the first respondent.

8. Hence we disposed of petition by passing following Order:-

(i) The second respondent shall identify and demarcate the plot "A" shown on plan at exhibit "A" in Writ Petition no. 76/1995.

(ii) After aforesaid plot 'A' is identified and demarcated by the second respondent, the first respondent shall demolish the structure/building standing on the said plot "A" within a period of two months from the date on which the demarcation is made. It will be open for the first respondent to requisition of services of demolition squad from the office of Deputy Collector. The Office of the Deputy Collector will expeditiously provide the squad on requisition made by the first respondent.

(iii) A copy of writ petition no.76/1995 alongwith annexures thereto duly authenticated by the appropriate officer of the Registry shall be supplied to the second respondent.

(iv) The exercise of identifying and demarcating the plot "A" shall be carried out by the second respondent within a period of six weeks from the date on which a copy of writ petition no.76/1995 is supplied.

(v) At the time of carrying out the demolition, the concerned officer of the second respondent shall remain present.

(vi) The compliance report shall be filed with this Court by the first and second respondent on or before 31.12.2010. A copy of the report shall be supplied to the Advocate for the petitioner.

A. S. OKA, J.

F. M. REIS, J.

vn*

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 236 OF 2010

GOA FOUNDATION, THROUGH ITS SECRETARY, DR. CLAUDE ALVARES., ... Petitioner

Versus

VILLAGE PANCHAYAT OF COLVA THROUGH ITS SARPANCH, COLVA, GOA AND ANR., ... Respondents

Ms. Norma Alvares,Advocate for the Petitioner.
Mr. G. Teles, Advocate for Respondent no.3.
Mr. S.Vadhidulla, Government Advocate for Respondent no.2.
S Naik, Advocate for Respondent no.1.

Coram:- A. S. OKA &
F. M. REIS, JJ.

Date:- 20th July, 2010

P.C:

This petition is required to be disposed of at admission stage and for that purpose, we direct that the petition be placed on Board on 3rd August, 2010.

2. The Registry is directed to produce the files of writ petition no.76 of 1995 and writ petition no.237 of 1999 at the time of final hearing of this petition.

3. Affidavit filed on behalf of Respondent no.3 is taken on record.

A. S. OKA, J.

F. M. REIS, J.

ap/-

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 236 OF 2010

GOA FOUNDATION, THROUGH ITS SECRETARY, DR. CLAUDE ALVARES., ... Petitioner

Versus

VILLAGE PANCHAYAT OF COLVA THROUGH ITS SARPANCH, COLVA, GOA AND ANR., ... Respondents

Ms. Norma Alvares, Advocate for the Petitioner.
Mr.A. Palekar, Advocate for the Respondent No.1.
Mr. S. Vahidulla, Government Advocate for the Respondent No.2.
Mr. G. Teles, Advocate for the Respondent No.3.

Coram:- A. S. OKA &
F. M. REIS, JJ.

Date:- 22nd June, 2010

P.C.

Heard the learned Counsel appearing for the parties.

2. Our attention has been invited to the judgment and order dated 2nd March, 2000 passed by this Court which has been confirmed by the Apex Court. We direct the first Respondent to file affidavit-in-reply dealing with the averments made in the application. In the said reply, the first Respondent will specifically state as to whether an action of demolition was taken in terms of order dated 2nd March, 2000. The reply shall be filed on or before 29th June, 2010. The Petition shall be placed on board on 1st July, 2010.

A. S. OKA, J.

F. M. REIS, J.

at*

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

GOA BENCH, AT PANAJI

Writ Petition No. 236 of 2010

Goa Foundation)... Petitioner

v/s

Panchayat of Colva and anr)... Respondents

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

GOA BENCH, AT PANAJI

Writ Petition No. 236 of 2010

Goa Foundation)... Petitioner

v/s

Village Panchayat of Colva and anr)... Respondents

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Panaji dated _____ Advocate for petitioner

A

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

GOA BENCH, AT PANAJI

CIVIL

Writ Petition 236 of 2010

SYNOPSIS CONSISTING OF CHRONOLOGY OF DATES AND EVENTS

Sr. No	Date	Particulars of events or documents if any	Annexure & Page	Remarks (if any)
1	2.3.2000	High Court passes judgement directing demolition of structures in Sy.No.54/4 on grounds of violating CRZ	p.9 Ann. A	
2	11.3.2004	Supreme Court dismisses appeal against the High Court judgement	p.25 Ann. B	
3	2009	Application made to GCZMA for approval of repairs to existing structures		
4	17/4/2009 and 10/08/2009	GCZMA grants approval	p.28 Ann C	
5	17.12.2009	Goa Foundation files a complaint with GCZMA	p.29 Ann. D	
6	7.1.2010	GCZMA issues show cause by January 20, 2010	p.30 Ann E	
7	March	Writ petition filed		

B

POINTS TO BE HEARD

In the year 2000, a division bench of this Hon'ble Court handed down a judgement upholding demolition of illegal constructions put up on Sy.No.54/4. Panchayat of Colva was directed to demolish the said constructions. In 2004, the Supreme Court of India upheld the High Court's judgement. Panchayat of Colva disregarded the directions to demolish due to the influence of the party concerned. In 2009, on an application made by the son of the original respondent, the Goa Coastal Zone Management Authority was misled into regularizing the constructions. This petition which is filed in public interest seeks implementation of the High Court's order dated 2.3.2000.

ACTS/ RULES TO BE REFERRED

The CRZ Notification 1991

AUTHORITIES TO BE CITED

1. AIR 2004 SUPREME COURT 3112

Panaji _____ March 2010 Advocate for petitioner

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
GOA BENCH, AT PANAJI

WRIT PETITION NO. 236 of 2010

IN THE MATTER OF ARTICLE 226 OF THE CONSTITUTION OF INDIA
AND
IN THE MATTER OF ARTICLES 21 AND 51G OF THE CONSTITUTION OF INDIA
AND
IN THE MATTER OF THE COASTAL REGULATION ZONE NOTIFICATION, 1991
AND
IN THE MATTER OF CRZ VIOLATION CONTINUING DESPITE COURT'S ORDER OF DEMOLITION

Goa Foundation, a society registered under the Societies Registration Act, 1960, through its Secretary, Dr. Claude Alvares, and having its registered office at Room 7, Above Mapusa Clinic, Mapusa, Goa ..Petitioner

v/s.

1. Village Panchayat of Colva through Its Sarpanch, Colva, Goa.

2. Goa Coastal Zone Management Authority, through its Member Secretary, Saligao, Bardez, Goa. ...Respondents

(The above are the registered addresses of parties.)

3. Mr. Snowkon Gonsalves
H. No 122/1, 2nd Ward Colva
Salcette Goa.

To

The Hon'ble Chief Justice and Companion Judges,
Bombay High Court at Panaji, Goa

THIS HUMBLE PETITION OF THE PETITIONERS
MOST RESPECTFULLY SHEWETH

1. The petitioner is an environmental NGO. The objects of the petitioner society, amongst others, include appropriate action to halt the ecological degradation of the environment and to formulate and implement programmes for its rehabilitation and restoration. The petitioner has been involved in several PILs before this Hon'ble Court for the protection of the Coastal Regulation Zone (CRZ). This Hon'ble Court has passed several orders and judgements for implementation of the CRZ Notification, including removal of constructions in the 200 metre no-development zone. All the members of the petitioner society are Indian nationals. This petition is being filed in this Hon'ble Court pursuant to directions of the apex court that respective High Courts will look into all cases of CRZ violations.

2. The Respondent No.1 (Village Panchayat of Colva) was directed by this Hon'ble Court vide its order dated 2.3.2000 to demolish certain CRZ violations on Sy.No.54/4. The directions remain unimplemented. Respondent No.2 (Goa Coastal Zone Management Authority or GCZMA) is the authority set up for protection of coastal ecology. It has recently granted approvals

for the constructions that the High Court required to be demolished.

3. This petition is being filed to seek the implementation of this Hon'ble Court's directions in its common judgment dated 2/3/2000 passed in Writ Petition No.76 of 1995 and Writ Petition No.237 of 1999. Copy of the judgment passed in the two petitions is annexed as ***Annexure A.***

4. In para 17 of the said judgement, this Hon'ble Court had declared that the compound wall, well and building falling in Survey No. 51/1, 51/2, 54/4 of Colva village "are ordered to be demolished." The Sarpanch of the Panchayat of Colva was directed to take necessary action in that regard.

5. Respondent in that matter (Piedade Filomena Gonsalves) filed Civil Appeal No. 960–961 of 2002 in the Supreme Court. On 11/3/2004 the Supreme Court dismissed the appeals and upheld the High Court's order and judgement. Copy of the REPORTED judgement of the apex court is annexed as ***Annexure B***.

6. Respondent No.1 did not carry out the said directions of this Hon'ble Court even after the Supreme Court dismissed the appeal. Mr Snowkon Gonsalves, the son of Piedade Filomena Gonsalves was Sarpanch of the Colva Panchayat from 9.10.2003 to 30.1.2007 and thereafter administrator of the same Panchayat upto May 2007.

7. It appears that sometime in 2009 an application came to be made by Mr. Snowkon Gonsalves to the GCZMA by which approval was sought for "proposed repairs and renovation of existing structures of Sy. No. 54/4-A of Colva village" – the same constructions that were directed to be demolished earlier by the High Court in 2000. There is no such plot with Sy.No.54/4-A.

8. The GCZMA (which was Respondent No.2 in WP 237/1999) entertained the application and granted its permission by its order dated 17/4/2009. On 10/8/2009 it issued a modifying order by which "repairs and renovation of the existing structure, compound wall and well in Sy. No. 54/4-A of Colva Village" was granted approval. Copy of the order dated 10/8/2009 is at ***Annexure C***.

9. Petitioner was informed by some people from the village about this fraud in December 2009. After verifying the facts, the petitioner, by its letter dated 17/12/2009, filed a complaint before the GCZMA drawing its attention to the fact that the permission granted by it may be in contempt of both the High Court and the Supreme Court. Copies of the High Court order and the Supreme Court order were annexed to its complaint which is at ***Annexure D***.

10. Acting on the complaint, by its letter dated 7/01/2010, the GCZMA issued show cause notice under Section 5 of the Environment Protection Act, 1986. The notice states: "This Authority has every reason to believe that you have connivingly

and fraudulently suppressed the above mentioned facts [relevant court orders] and moved in an application for repairs and renovation of the existing structures together with compound wall and well in Sy. No. 54/4-A." The notice requires the Respondent to reply by January 20, 2010. Copy of the show cause notice dated 7/01/2010 is at ***Annexure E***.

11. The notice dated 7/01/2010 is only in respect of recall of the approval orders dated 17/4/2009 and 10/8/2009 which were fraudulently obtained. Petitioner is not aware of action, if any, taken on the same and has not received any written communication from the GCZMA.

12. This petition is filed because the offending construction has remained on the beach in the CRZ on sand dune area despite orders and judgements of this Hon'ble Court and Supreme Court. The ability of the party concerned to pressurize the authorities to disregard and ignore the directions of this Hon'ble Court is having an extremely negative effect concerning public perceptions of the rule of law and directions of this Hon'ble Court in the village of Colva.

13. Petitioners are therefore approaching this Hon'ble Court on the following grounds:

1) This matter has already been decided and Respondent No. 1 has been directed to demolish the offending structures.

2) Resp.No.1 has not complied with the directions of the High Court despite the passing of six years since the Supreme Court dismissed the appeal against the High Court's judgement.

3) Show cause notice has been issued by the GCZMA to the party on grounds of fraud and misrepresentation.

14. Petitioners state that they have not filed in this matter any other petition either in this Hon'ble Court or in the Supreme Court of India.

15. Petitioners reside in Goa. Respondents are all part of the Government of Goa or reside in Goa. This Hon'ble Court has, therefore, jurisdiction to hear and decide this petition.

16. On the above grounds the petitioners are approaching this Hon'ble Court for the following prayers:

Prayers:

a) For a direction to Respondent No.1 (Village Panchayat of Colva) to forthwith demolish the impugned constructions, namely, building, compound wall and well falling in Sy Nos. 51/1, 51/2 and 54/4, which were directed to be demolished by the Hon'ble High Court in Writ Petition No.76/1995 and report compliance with the Hon'ble Court's judgement dated 2.3.2000.

b) For costs against the respondent No.1.

c) Any other reliefs this Hon'ble Court may be pleased to grant.

Panaji

Dated: Petitioner

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

GOA BENCH, AT PANAJI

Writ Petition No._____ of 2010

Goa Foundation)... Petitioner

v/s

Village Panchayat of Colva and anr)... Respondents

AFFIDAVIT IN SUPPORT OF THE PETITION

I, Dr Claude Alvares, Indian national, age 61 years, authorised representative of the Petitioner No.1 abovenamed, solemnly state on oath as under:

1. I have today filed a writ petition in the High Court and am filing this affidavit to verify the statements made therein.
2. I do hereby solemnly declare and say that what has been stated in paragraphs 1 – 11, 14 & 15 are true to the best of my knowledge and what is stated in the remaining paragraphs, namely, 12, 13 & 16 are in the nature of legal submissions and/or inferences of facts, which I believe to be true.
3. I state that the annexures to this petition are true copies of the originals.

Solemnly affirmed at Panaji
this the ___ day of March 2010 Deponent

ANNEXURE C

Office of the Village Panchayat
Sernabatim, Vanelim, Colva & Gandaulim
Received on: 10/9/09
Inward No. 1118

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment,
Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa – 403 511
Phone: (0832) 2407186, 2407187, 2407189 Fax: (0832) 2407186

Ref. No. GCZMA/S/08-09/41/310 *Dated:* 10/08/2009

To,
Mr. Snowkon Gonsalves,
H.No. 122/1,
2nd Ward Colva,
Salcete-Goa.

Sub: **Proposed repairs and renovation of the existing structure in Survey No. 54/4-A of Colva village, Salcete Taluka.**

Ref: This Office letter No.1. GCZMA/S/08-09/41/70 dated 17/04/2009-
2. GCZMA/S/08-09/41/164 dated 12/06/2009
3. GCZMA/S/08-09/41/165 dated12/06/2009.
4. Your letter No. NIL dated 05/05/2009

Sir,

With reference to your application and on verification of the records in file, the following correction shall be made in the permission granted vide this letter No.GCZMA/S/08-09/41/70 dated 17/04/2009.

Instead of *"approval is hereby granted only for repairs and renovation of the existing structure in Survey No. 54/4-A of Colva village, Salcete Taluka"* it shall be read as *" approval is hereby granted only for repairs and renovation of the existing structure, coinpound wall and well in Survey No. 54/4-A of Colva village, Salcete Taluka".*

The other contents and conditions shall remain the same.

Yours faithfully,

(Michael M. D'Souza)
Member Secretary, GCZMA &
Director/Ex-Officio, Jt.Secy. (STE)

Copy to: 1. The Panchayat Secretary, Village Panchayat of Sernabatim, Vanelim, Colva & Gandaulim, Salcete-Goa.
2. The Town Planner, Office of the Senior Town Planner, Town & Country Planning Department, Government of Goa, Osia Complex Margao-Goa.

A.

ANNEXURE D

29

The Goa Foundation

G-8 St Britto's Apartments,
Feira Alta, Mapusa 403507 Goa.
www.goafoundation.org
email: goafoundation@gmail.com
17.12.2009

The Member Secretary,
GCZMA,
c/o Department of Science, Technology & Environment,
Opp. Saligao Seminar, Saligao, Bardez, Goa.

Subj: Approval orders dated 17/04/2009 and 10/08/2009 for proposed repairs and renovation of existing structure in Survey No.54/4-A of Colva village, Salcete, Goa.

Dear Sir,

Please re-examine the above orders issued by you. They may be in contempt of both High Court and Supreme Court.

Issue of "repairs and reconstruction of existing structure together with compound wall and well" in survey No.54/A was dealt with in judgement of the Bombay High Court dated 2nd March 2000 in writ petition No.76/95 and 237/99. The structure erected was directed to be demolished. GCZMA was a party in Writ Petition No.237/99. Party in that case was Piedade Filomena Gonsalves.

Party appealed the judgement to the apex court, which dismissed the appeal by its order 11.3.2004 (reported in AIR 2004 SUPREME COURT 3112).

Party resubmitted a proposal for "proposed repairs and renovation of the existing structure" in Survey No.54/4-A (a fictitious Sy.No) under the name of Snowdown Gonsalves. There is no change on the ground. GCZMA has thereafter granted approval by its two orders listed above.

Please examine this matter. I would be happy to know that I am wrong.

If I am right, please communicate to me within the week action proposed to be taken for ensuring that the GCZMA orders above are recalled. Further action will be contemplated after we have received a response to this communication.

Yours sincerely,

(Dr Claude Alvares)
Director

Encl: Copy of Supreme Court judgement dated 11.3.2004

18/12/09

O/o the Member Secretary,
Goa Coastal Zone Management Authority
O/o Dept. of Science, Technology & Environment
Saligao, Bardez, Goa

Da —

ANNEXURE E

30

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment,
Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa - 403 511
Phone: (0832) 2407186, 2407187, 2407189 Fax: (0832) 2407186

Ref.No. GCZMA/S/08-09/A1/695 Dated: 07 /01/2010

SHOW CAUSE NOTICE UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 (CENTRAL ACT 29 OF 1986)

Whereas, the Goa Coastal Zone Management Authority (GCZMA) has been constituted by the Ministry of Environment & Forests (MoEF), Government of India pursuant to the directions of the Hon'ble Supreme Court of India to deal, inter alia, with violations of the Coastal Regulation Zone (CRZ) Notification, 1991;

Whereas based on your application dated 05/05/09 addressed to the Member Secretary GCZMA, for repairs and reconstruction of the existing structures, together with compound wall and well in Survey No. 54/A the said site was inspected by the members of the Goa Coastal Zone Management Authority. Subsequently permission was granted by the GCZMA for repairs and reconstruction vide our letter No. GCZMA/S/08-09/41/70 dated 17/04/09.

Whereas, it has been brought to the notice of this Authority that the Honourable High Court of Bombay at Goa, in Judgement dated 2nd March 2000 in Writ Petition No. 76/95 and 237/99 has directed one Mrs Piedade Filomena Gonsalves to demolish the structures erected. The Party Mrs Piedade Filomena Gonsalves appealed against the Judgement to the Apex Court in Civil Appeal Nos. 960-961 of 2002, and the said appeal was dismissed by its order dated 11/03/04.

Whereas, this Authority has every reason to believe that you have connivingly and fraudulently suppressed the above mentioned facts and moved in an application for repairs and renovation of the existing structures together with compound wall and well in Survey No. 54/4-A.

Now, therefore, the GCZMA hereby calls upon you to show cause as to why the permission granted to you should not be cancelled and withdrawn and appropriate proceedings under the law be initiated against you for misleading the Authority.

You are directed to file your reply and produce the original repair licence issued by the concerned Authority, alongwith approved plan, as also documents to show the title to the property (Sale Deed etc.), before us on or before 20th January 2010 and remain ready for a

...2/-

personal hearing on a subsequent date which will be shortly conveyed to you. If you fail to submit your reply alongwith the required documents, the GCZMA will come to the conclusion that you have no justification to provide nor produce any documents and the Authority shall proceed to issue final directions without any further notice.

(Michael M. D'Souza)
Member Secretary, GCZMA
Director/Ex-Officio Jt. Secretary, STE

To,
Snowkon Gonsalves, residents of H.No. 122/1, 2nd Ward Colva, Salcete-Goa.

Copy to:
1. The Office of the Secretary Environment, Secretariat, Alto Porvorim, Bardez, Goa.. *for information.*

2. The Office of the Collector (South), Collectorate, Margao - Goa.

3. The Town Planner, Office of the Senior Town Planner, Town & Country Planning Department, Government of Goa, Osia Complex Margao-Goa.

4. The Panchayat Secretary, Village Panchayat of Sernabatim, Vanelim, Colva & Gandaulim, Salcete Goa.

(Michael M. D'Souza)
Member Secretary, GCZMA
Director/Ex-Officio Jt. Secretary, STE

o/c

N 32

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

GOA BENCH, AT PANAJI

Writ Petition No.236 of 2010

Goa Foundation)... Petitioner

v/s

Village Panchayat of Colva and anr)... Respondents

AFFIDAVIT OF PETITIONER

I, Dr Claude Alvares, Indian national, age 61 years, authorised representative of the Petitioner No.1 abovenamed, solemnly state on oath as under:

1. I am filing this affidavit to bring on record certain additional documents related to the approvals granted by the authorities for the impugned constructions which were ordered to be demolished by the Bombay High Court and the Supreme Court of India and which have come into the organization's possession after the petition was filed.

a) At ***Annexure F*** is the approval of the GCZMA (Resp. No 2) dated 17/4/2009 which has been impugned in the petition and subsequent corrigendum thereto.

b) At ***Annexure No. G*** is a letter dated 21/4/2009 from Snowkon Gonsalves (Resp No. 3) to the Village Panchayat (Resp No 1) which is an application for issue of a license to repair and renovate existing house, compound wall on Sy. No. 54/4-A. This is the same house,

compound wall and well that were directed to be demolished by the High Court in Writ Petiton No. 237/99.

c) At ***Annexure No. H*** is a copy of Form I & XIV which shows that the property in Sy. No. 54/4-A is owned by Smt. Piedade Gonsalves (mother of the Respondent No 3). Smt Gonsalves was the petitioner in Writ Petition No. 237/99 which was dismissed by the High Court and appeal also dismissed by the Supreme Court.

d) At ***Annexure I*** is a copy of Panchayat resolution dated 17/9/2009 recording that panchayat will carry out site inspection prior to issue of license.

e) At ***Annexure J*** is a copy of Panchayat resolution dated 4/11/2009 which records that the approvals were fraudulently given by the CRZ authority despite there being a High Court order for demolition as the structure was on sand dunes. The resolution also states that the approval has been fraudulently obtained from the CRZ by changing the sub-division of the property.

f) At ***Annexure K*** is a letter of the Panchayat dated 4/1/2010 to the Resp. No.3 asking for his say regarding his application for renovation license of existing structures, compound wall and well in Sy. No 54/4-A and the judgement of the Bombay High Court in W.P.No.237/99 directing demolition of building, compound wall and well in the same survey no.

g) ***Annexure L*** is a letter dated 6/1/2010 from Resp. No 3 to the Panchayat (Resp No 1) denying that he has any connection with W.P.No. 237/99.

h) On the same day, i.e., 6/1/2010, a site inspection is carried out by the Secretary and the Sarpanch of the panchayat in the presence of the Resp. No.3 and in the absence of the ward member Shri Jose Fernandes. The site inspection report which is at ***Annexure M*** merely records that upon the site/premises it is noticed that there is an existing old house, well and compound wall; that the structure has house No.293/3 and that the TCP and CRZ have approved construction and renovation.

i) On the same day, i.e., 6/1/2010, the Panchayat issued construction license to Resp. No.3 allegedly for repair and renovation of structure, compound wall and well in Sy. No. 54/4-A. The construction license is at ***Annexure N***.

j) The very next day, i.e., on 7/01/2010, Shri Jose Fernandes, the ward member whose absence is specifically noted in the site inspection report, objected to the grant of construction license to the Resp. No. 3. At ***Annexure O*** is the complaint of the panch member addressed to the Sarpanch which demands that license granted be revoked. The letter states that the notice of site inspection to take place on 6/1/2010 was given to him on 6/1/2010 itself at 3.30 pm and being unable to attend due to unavoidable circumstances he had asked for another date for the inspection, which was denied and inspection held in his absence. The letter also reverts to the

resolution of the Panchayat which records that the construction license was obtained by fraudulent means inspite of the High Court order for demolition. The letter also informs the Panchayat of the dismissal of the case by the Supreme Court.

2. I respectfully submit that the aforesaid documents – with the documents annexed to the writ petition – conclusively prove that the village panchayat, despite being aware of the directions of this Hon'ble Court to demolish the constructions on Sy. No. 54/4, connived instead with the Resp. No 3 and granted him license to repair and reconstruct the same structures ordered to be demolished by the High Court.

Solemnly affirmed at Panaji
this the ___ day of June 2010

Deponent

ANNEXURE F

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment,
Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa – 403 511
Phone: (0832) 2407186, 2407187, 2407189 Fax: (0832) 2407186

Ref;No. GCZMA/S/08-09/41/70 Dated:17/04/2009

To,
Mr. Snowkon Gonsalves,
H.No. 122/1,
2nd Ward Colva,
Salcete-Goa.

Office of the Village Panchayat
Sernabatim Vanelim Colva & Gandaulim
Received on: 25/4/09
Inward No. - 109

Sub: **Proposed repairs and renovation of the existing structure in Survey No. 54/4-A of Colva village, Salcete Taluka.**

Sir,

With reference to your application on the above-mentioned subject, it is hereby conveyed that this office has examined your case in 48th GCZMA sub-committee meeting held on 20/01/2009. In accordance to the provisions of the CRZ Notification of 1991, approval is hereby granted only for repairs and renovation of the existing structure in Survey No. 54/4-A of Colva village, Salcete Taluka not exceeding existing FSI, existing plinth area and existing density, subject with the confirmation with local building bye laws.

This approval is subject to the following conditions:

1. All the provisions of the CRZ Notification should be strictly complied with.
2. Prior to the commencement of the 'repairs/renovation' work, it will be incumbent upon the applicant to obtain the licence from the Canacona Municipal Council
3. This permission is liable to be revoked if it is found, at any stage, that the application contained false information/wrong plans/calculations/documents or any other incorrect/wrong accompaniments.
4. The completion of the repair work should be informed to this office for the purposes of verification.

Yours faithfully,

(Michael M. D'Souza)
Member Secretary, GCZMA &
Director/Ex-Officio, Jt.Secy. (STE)

Copy to: The Panchayat Secretary, Village Panchayat of Sernabatim, Vanelim, Colva & Gandaulim, Salcete-Goa.

CERTIFIED BY :-

SECRETARY
Village Panchayat
SERNABATIM, VANELIM
COLVA & GANDAULIM

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GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment,
Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa – 403 511
Phone: (0832) 2407186, 2407187, 2407189 Fax: (0832) 2407186

Ref.No.GCZMA/S/08-09/41/164 Date: 08/06/2009

To,

Mr. Snowkon Gonsalves,
H.No.122/1,
2nd Ward Colva,
Salcete-Goa.

Office of the Village Panchayat
Sernabatim Vanelim Colva & Gandaulim
Received on: 18/6/09
Inward No. SD1

Sub: Proposed repairs and renovation of the existing structure in survey No.54/4-A of Colva Village, Salcete Taluka.

Ref: Our letter No.GCZMA/S/08-09/41/70 dated 17/04/2009

Sir,

This has reference to our letter dated 17/04/2009 pertaining to NoC granted to one Mr. Snowken Gonsalves for Repair and Renovation to the existing structure regarding.

It is please being noted that in condition No. 2 "Canacona Municipal Council" read as a "Village Panchayat of Sernabatim, Vanelim, Colva and Gandaulim".

This is for your kind information and necessary action.

Yours faithfully,

(Michael M. D'Souza)
Member Secretary, GCZMA &
Director/Ex-Officio, Jt.Secretary (STE)

Copy to: The Panchayat Secretary, Village Panchayat of Sernabatim, Vanelim, Colva & Gandaulim, Salcete-Goa.

CERTIFIED BY :-

SECRETARY
Village Panchayat
SERNABATIM, VANELIM
COLVA & GANDAULIM

ANNEXURE G 38

From: SNOWDON GONSALVES,
3LA WADA COLVA,
SALCETE - GOA 403708
Dated: 21st April 2009.

To,
The Sarpanch,
V.P. Colva,
Salcete - Goa

Office of the Village Panchayat
Sernabatim Vanelim Colva & Gandaulim
Received on: 21/4/09
Inward No. 100/01

Dear Sir/Madam

Sub: Repairs & renovation ~~Proposed~~ to House No 293/3, Compound walls & well.

Pleas issue me a license to repair & renovate my existing House, Compound walls & well bearing House No 54/4-A at 3rd ward Colva Salcete Goa.

I am enclosing all the documents which are necessary for the same.

Thanking You,

Yours faithfully,

(SNOWDON GONSALVES)

SECRETARY
Village Panchayat
SERNABATIM, VANELIM
COLVA & GANDAULIM

CERTIFIED BY :

Encl

Annexure-H 39

Name of the Field नावाचे नांव Estade de praes FORM No. I & XIV नमुना नं. १ व १४ Village गांवाचे नांव Colva

Survey Number सर्व्हे नंबर 54 Sub. Div: Number हिस्सा नंबर 4-A Tenure सत्ताप्रकार Khata No. खाते नंबर Taluka तालुका Salcete

Cultivable Area लागण क्षेत्र	Ha. Ars. हे. आर.	Name of the Occupant कबजेदाराचे नांव	Mutation No. फेरफार नं.	Name of the Tenant कुळाचे नांव
(a) Dry Crop . . . जिरायत		Piedade Filomena Abiana Gonsalves	319	
(b) Garden . . . . . बागायत	013·85			
(c) Rice . . . . . तरी				
Khajan . . . . . खाजण				
(ii) Ker . . . . . खर				
(iii) Morad . . . . . मोरड				
Total Cultivable Area एकूण लागण क्षेत्र	013·85			
II Un-Cultivable . . . . नापिक				
Pot-Kharab . . . . . पोट खराब				
(a) Class (a) . . . . वर्ग (अ)	003·70			
	000·22			
(b) Class (b) . . . . वर्ग (ब)	000·05			
Total एकूण Un-Cultivable नापिक जमीन	003·97			
Grand Total . . . . . एकूण	017·82			
Assessment आकार	Rs. P. रु. पै.			
Fory फोर				
Preami देंदियाल				
Rent रेंट				

Other rights इतर हक्क
Name of the person holding rights and nature of rights इतर हक्क धारण करणाऱ्याचे नांव व हक्काचा प्रकार

Year सन	Name of Cultivator लागण करणाऱ्याचे नांव	Mode रीत	Season मौसम	DETAILS OF CROPPED AREA पिकाखालील क्षेत्राचा तपशील: Name of Crop. पिकाचे नांव	Irrigated बागायत Ha. Ars. हे. आर.	Unirrigated जिरायत Ha. Ars. हे. आर.	Land not available for cultivation नापिक जमिन: Nature प्रकार	Area/क्षेत्र Ha. Ars. हे. आर.	Source of Irrigation सिंचनाचा प्रकार	Remarks शेरे
1970-71		P.D	Coj							
				13·10						
1971-72				13·10						

Copy
Compared

40

Annexure I

Ph:-2788485

Office of the Village Panchayat
Sernabalim, Vanelim, Colva & Gandaulim
Salcete - Goa. Pin Code 403 708

Ref. No. VP / SVCG / — /2009-10

Date 7/01/2010

TRUE COPY

Resolution No.4(32), dated 17/9/09.

" W.r.t letter No. GCZMA/S/08-09/41/310, dated 10/8/2009, O/O Goa Coastal Zone Management Authority Saligao, Bardez regarding proposed Repairs & Renovation of the existing structure in Survey No.54/4-A,Village Colva,Salcete. Copy earmarked to the Panchayat Secretary V.P Colva.

It is Unanimously ressolved to issue subject to site inspection.

OFFICE OF THE VILLAGE PANCHAYAT SERNABATIM, VANELIM, COLVA & GANDAULIM

SECRETARY
Village Panchayat
SERNABATIM, VANELIM
COLVA & GANCAULIM

Annexure J 41

Ph:- 2788485

Office of the Village Panchayat
Sernabatim, Vanelim, Colva & Gandaulim
Salcete - Goa. Pin Code 403 708

Ref. No. VP / SVCG / —— /2009-10

Date 4/01/2010

TRUE COPY

Resl.No.5(83), dated 04/11/2009.

" Unanimously ressolved this Panchayat while filing the affidavit in respect of CRZ before Hon'ble High Court, we have to mention that Construction licences N.O.C fraudaly given by CRZ Authority inspite of their being High Court Order for demolition, the same structure that was constructed on Sand dunes. The approval has been fraudently obtain from CRZ vide No. GCZMA/S/80-09/41/310, dated 10/8/09 by changing the Sub-Div of the property which is layman terms amounts to changing of identity of the property to coverup comflaze the High Court Order.

The above Resolution was proposed by Shri. Calvert Gonsalves & supported by all Members.

SECRETARY
Village Panchayat
SERNABATIM, VANELIM
GANDAULIM

Annexure K 42

Ph: 2788485

Office of the Village Panchayat

Sernabatim, Vanelim, Colva & Gandaulim
Salcete - Goa. Pin Code 403 708

Ref. No. VP. SVCG/ /2009-10

Date 4/1/2010

To,
Mr. Snowkon Gonsalves
H.No.122/1, 2nd Ward
Colva, Salcete-Goa.

Sub: Repair & Renovation of Structure of Existing Structures, Compound wall, well in Sy.No.54/4-A, Colva.

Ref.: TPM/Const/Colva/54-4-A/09/5213, dated 22/9/2009.
2. GCZMA/8/06-09/41/310, dated 10/8/09.

Sir,

With reference to above, this is to inform you that it is noticed in the Writ Petition No.76/95 and 237/99, wherein in Oral Judgement in Para No.17, the Compound wall, Well and the Building in Survey Nos.51/1,51/2 and 54/4 of Colva village are ordered to be demolished.

You are requested to give your say on the matter/ Order of the Writ Petition No.237/99.

Yours faithfully

SARPANCH
VILLAGE PANCHAYAT
Sernabatim, Vanelim, Colva & Gandaulim

THE VILLAGE PANCHAYAT SERNABATIM

SECRETARY
Village Panchayat
SERNABATIM, VANELIM
COLVA & GANDAULIM

CERTIFIED BY :-

Annexure L

To : The Sarpanch,
Village Panchayat of Colva,
Salcete – Goa.

6th Jan 2010.

Dear Madam,,

Ref:- Your letter No. VP/SVCG/2117/2009-10 dated 4/1/2010

With refrence to your above letter I have to mention that I have never had a Writ Petition No 237/99 pending or disposed of in my name .

I think some body has give you wrong information about the writ Petition No 237/99.

Therefore I request that the necessary information is wrong.

Thanking you.

Yours sincerely,
Snowkon Gonsalves

CERTIFIED BY :-

SECRETARY
Village Panchayat
SERNABATIM, VANELIM
COLVA & GANDAULIM

ANNEXURE M 44

Site Inspection Report

The Site inspection in respect of Notice VP/SVC4/2102/2009-10 dt 31/12/09.
The Site inspection carried out by the undersigned along with V.P. Secretary on 6/1/2010 at 3.30 hrs.
Mr. Snowkon Gonsalves was present on the Site.
Mr. Jose Fernandes ward member remains absent.
Upon the Site/Premises it is noticed that there is an old existing house, well and compound wall.
The said structure has H.No. 293/3. The TCP & CRZ has approved for repair & renovation.

ASorges

(SNOWKON GONSALVES)

issue license
ASorges

SECRETARY
Village Panchayat
SERNABATIM, VANELIM
COLVA & GANDAULIM

CERTIFIED BY

Annexure N

45

Office of the Village Panchayat

SERNABATIM,VANELIM,COLVA & GANDAULIM

Construction Licence No. VP/SVCG/Const.65/2009-10/2130

Shri/Smt./Kum. Snowken Gonsalves from 2nd ward of Colva is hereby granted licence for the ~~construction~~ of Repair & Renovation of Structure, Compound Wall & Well in Survey No.54/4-A,Village Colva,Salcete Taluka. in terms of resolution No. 4(32) taken in the Panchayat meeting dated 17/9/2009 as per the plans in triplicate/duplicate attached to his/her application under inward No PPO / 01 / VP / Plans No. 101 dated 21/9/09 One copy of the Plans concerned with the approval note carrying the embossed seal of this Panchayat and duly signed, is returned to the interested party, who shall comply with the following conditions

1) To limit himself/herself to the plans approved and statements therein.
2) The construction shall be as per plans approved by this Panchayat and condition imposed on it.
3) To inform the Panchayat after excavation and before laying of plinth foundation.
4) To inform the Panchayat when the construction has been completed upto plinth level.
5) To inform the Panchayat as soon as the construction is completed.
6) Not to in habit the building without the prior permission of this Panchayat.
7) To abide by the other related provision in force.
8) That building or construction is carried out as per the alignment given and the plinth level fixed by the Panchayat.
9) The construction licence shall be revoked.
   a) If the construction work is not executed as per the plans approved and statements therein;
   b) Wherever there is any false statement or any misrepresentation of any material passed, approved or shown in the application on which the permit was passed.
10) Approval from Goa Coastal Zone Menagement Authority vide Ref.No.GCZMA/S/08/-09/310, dated 10/8/2009,should be followed.
11) The N.O.C is issued only for Repair & Renovation of structure,Compound wall & Well. (TCP Clause)
12) Necessary N.O.C shall have to be obtained from Water Resource Dept. for opening Well.
13) All the Conditions laid down by Town & Country Plannir Dept. vide Ref.No. TPM/Const/Colva/54/4A/09/5213, dated 22/9/09,should be strictly complied.

The licence shall be valid for a period of ONE/TWO/THREE years beginning from today He/She had paid the respective tax/fees the tune of Rs. 5470/- by Receipt No. 26/37 dated 06/01/2010

This carries the embosed seal of this Panchayat

Office of Village Panchayat of Colva

06/01/2010

SECRETARY

Cont.....

CERTIFIED
06/01/2010

OF THE VILLAGE PANCHAYAT SERNABATIM, VANELIM, COLVA

46

Annexure O

From: Jose M. Fernandes
Ward Member,
Ward No. 8,
3rd Ward Colva.

Date: 7/01/2010.

To,

The Sarpanch/Secretary
V.P. Colva,
Salcete-Goa.

Sub: Objection of issuing of licence to Mr. Snowkon Gonsalves in Sy. No. 54/4-A, of Colva Village for Repair & Renovation of structure, compound wall & well.

Sir,

I hereby object to issue the Const. licence to Mr. said Snowkon Gonsalves for Repairs/Renovation of structure, compound wall & well in Sy. No. 54/4-A, Village Colva. The said proposal/Approval was placed before the V.P body meeting and the same has been discussed in the said meeting on 4/11/2009, vide Resl. No. 5(83), stating that the Const. licence/N.O.C. given by CRZ Authority by fraudent means inspite of the High Court Order for demolition of the said structure that was constructed on sand dunes. Further, the appeal filed in the Supreme Court has also been rejected by committing fraud. The said Snowkon Gonsalves has changed the identity of the property to cover up the High Court Order.

Further, I had received an inspection notice to be held on 6/01/2010 at 3.30 p.m. which I have informed in the Panchayat Office that I am unable to attend the site inspection due to unavoidable circumstance and I further also informed that to issue/give another date for site inspection. Inspite of request made and in absence of concerned ward Member, Sarpanch has proceeded to take site inspection.

Further, I would like to know whether Const. licence have been issued to Mr. Snowkon Gonsalves in respect to the approval for Repair Renovation of structure, compound Wall & well in Sy. No. 54/4-A of Village Colva. If the const. licence is granted by your office in respect to the said approval, I hereby request your office to revoke the Const. licence by placing the same in the next forthcoming meeting. Further, I'll be submitting the Supreme Court order as stated in the said letter.

Yours faithfully,

Sd/-

Jose Fernandes
Ward No. VIII

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IN THE HIGH COURT OF BOMBAY,
AT PANAJI – GOA.

WRIT PETITION No.236/2010

Goa Foundation ... Petitioner

Vs.

Village Panchayat of Colva
and others .... Respondents

AFFIDAVIT ON BEHALF OF RESPONDENT No. 1

I, Mrs. Angela Borges, Sarpanch of Village Panchayat Sernabatim-Vanelim-Colva and Gandaulim, major of age, Indian National, residing at Colva, Salcette, Goa, do hereby solemnly affirm and state as under:

1) I say that I have take charge as Sarpanch of Respondent Village Panchayat in December 2009. I say that I have perused the present Petition and understood the contents thereof and in response and compliance of the directions issued by this Hon'ble Court, I am filing the present affidavit.

2) I say that pursuant to the order passed by the Hon'ble Supreme Court, Smt. Piedade Filomena Gonsalves vide letter dated 30/11/2004, informed the Village Panchayat that the new structure constructed in the year 1994, which were subject matter of Writ Petition No. 76/1995 has been demolished on 14/11/2004. Hereto annexed and marked as **EXHIBIT R-1** is the copy of the letter dated 30/11/2004.

3) I say that, Respondent also received another letter dated 09/03/2006 from Ms. Filomena Piedade Serrao wife of late Mr. Felix Menino Jesus Serrao, Petitioner in Writ Petition No. 76/1995, stating therein that in compliance and in full satisfaction of the order passed by the Hon'ble Court in WP 76/95, and 237/99, the illegal construction carried in 1994 has been demolished by Mrs. Piedade Filomena Gonsalves. Hereto annexed and marked as **EXHIBIT R-2** is the copy of the letter dated 22/02/2006.

3) I say that, so also in pursuance of the directions issued by this Hon'ble Court in Suo Moto Writ Petition No. 2/2006, said Mrs. Filomena Gonsalves was also issued show cause notice dated 10/04/2008, bearing reference no. VP/SUCG/149/08-09, with respect to structures in Survey No. 54/4 of Village Colva, to which reply dated 29/04/2008, was furnished by Smt. Piedade Filomena Gonsalves, a copy whereof is annexed hereto and marked as **EXHIBIT R-3.**

4) I say that, after considering the reply and giving opportunity of personal hearing the Respondent Panchayat in the meeting held on 15/06/2009, unanimously resolved to withdraw the show cause notice issued to said Mrs. Piedade Gonsalves along with other persons who had produced documentary evidence in respect of existence of structures prior to 1991.

5) I say that, it was revealed from the reply and documents that, Respondent Panchayat had issued construction license to

Mrs. Leonora de Loyola Furtado, from whom said Mrs. Piedade Gonslaves had purchased property bearing survey no. 54/4, partitioned from original survey no. 54/4. I say that License was granted after getting approval from the Town and Country Planning Department vide letter dated 14/03/1975 and NOC from PWD vide letter dated 28/02/1975. I further say that license was granted in terms of resolution dated 06/04/1975 passed by the Panchayat Body, for the construction/extension of the existing house, compound wall and a well. Hereto annexed and marked as **EXHIBIT R-4 colly** are the copies of License, Plans, letter from Town and Country Planning Department, PWD.

6) I say that, subsequently vide application dated 21/04/2009, Respondent No. 3 applied for repair and renovation of structures, compound wall and well in survey no. 54/4 of Village Colva, calming to be the owner of the same in terms of a will executed by his mother Mrs. Piedade Folimena Gonsalves.

7) I say that, Respondent Panchayat accordingly granted construction license bearing no. VP/SVCG/Const.65/2009-10/210 for repairs and renovation of structure, compound wall and well in survey no. 54/4-A of Village Colva, after receiving approval from Goa Coastal Zone Management Authority vide reference no. GCZMA/3/08-09/370 dated 10/08/2009.

8) I say that, said construction license has been kept in abeyance vide letter dated 04/03/2010 after the Panchayat

received letter dated 11/01/2010 from the GCZMA, vide which earlier permission granted to Respondent No. 3 by GCZMA vide letter dated 17/04/2009 was kept in abeyance till the disposal of the said matter. In view of the same Respondent Panchayat is awaiting appropriate orders from GCZMA.

9) I say that contents of paragraph nos. 1 to 8 above are based on Panchayat records available to me and I believe the same to be true.

Solemnly affirmed at Panaji, Goa, on this 6th day of June 2010,

DEPONENT

Identified by me:

Adv. Amit A. Palekar

EXHIBIT R-1

51

From,
Piedade Gonsalves
Resident of 3rd ward,
Colva

Date: 30/11/2004

Office of the Village Panchayat
Sernabatim Vanelim Colva & Gandaulim
Received on 1/12/04
Inward No. 1426.

To:
The Secretary
Village Panchayt of Colva,
Vanelim, Sernabatim & Gandaulim
Colva, Salcete, Goa

Sub: Demolition in view of the order passed in Writ Petition No.76/1995

Sir.

This is to bring to your kind attention that in respect of the new structures constructed in the year 1994 on the southern side of my property a Writ Petition was filed before the Hon'ble High Court being Writ Petition No.76/1995.

The Hon'ble High Court allowed the said Writ Petition directing me to demolish the said new structure constructed in the year 1994.

I filed on Appeal to the Hon'ble Supreme Court bearing Civil Appeal Nos.960-961 of 2001, the Supreme Court disallowed the said Appeal.

In view of the aforesaid I have demolished the said new structure on 14/11/2004 constructed in the year 1994. Kindly take note of the same

Thanking you.

Yours sincerely,

Piedade Gonsalves

EXHIBIT R-2

52

From:
Mrs.Filomena Piedade Serrao
Furtado, alias Philomena P[illegible]
Angelina Serrao.
Dyaneshwar Nagar Co-op. Hsg. Soty.
Bldg. NIDA-1 Flat no 19,
D.Z. Mahajani Path Marg,
Wadala, Mumbai - 400 031
22-2-2006

To
The Secretary,
Village Panchayat of Colva,
Colva, Salcete-Goa.

Dear Sir,

1. The undersigned is the wife of late Mr.Felix Menino Jesus Serrao who had expired on 12-6-2003

2 The said Mr.Felix Menino Jesus Serrao (now deceased), had filed a complaint to the Village Panchayat in respect of the construction carried out on the property surveyed surveyed under no.544(Old)/542 (New) of the Village Colva, against Mrs.Pierlade Filomena A. Gonsalves

3. The said structure was originally of thatched roof supported with laterite stones.

4 The said construction had commenced in July, 1994 and was completed on 17-8-1994.

5 My late husband viz. the said Mr.Felix Serrao had filed Writ Petitions before the Hon'ble High Court being Writ Petition no.76/95 and Writ Petition no.237/1999. The said writ petitions were disposed off by Order dated 2-3-2000 directing Mrs Piedade Filomena Gonsalves to demolish the said illegal construction

6 In consonance and in full satisfaction of the Order passed by the Hon'ble High Court, the said Mrs.Piedade Filomena Gonsalves has demolished the said illegal construction in respect of which my husband Mr.Felix Menino Jesus Serrao had filed Writ Petitions no.76/95 and Writ Petition no.237/1999 and as a consequence, the undersigned have no further grievance.

The present letter is addressed to your office for your record

Thanking You.

Yours faithfully,

Mrs.Filomena Piedade Serrao Furtado

[illegible] GOZMA, Saligao, Goa

EXHIBIT R-3

(4) 53

From;
Mrs. Piedede Filomena Gonsalves
residing at 3rd ward
COLVA.
(Salcete Goa)

29/4/08
355

Date: 29/4/2008

To,
The Sarpanch
Village Panchayat Sernabatim-
Vanelim-Colva-Grandulim
COLVA.
(Salcete Goa)

Ref: Your Show Cause Notice dated 10/4/2008
Reference No. VP/SVCG/149/08-09

Madam,

I have received your above referred notice and I reply to the same as follows:-

1. The Show Cause Notice issued by you is misconceived for the reasons that I am not the owner/co-owner of any property surveyed under No.54/4 of Village Colva.
2. It appears that the Panchayat has not conducted any inquiry and issued the present notice in an outmost casual manner.
3. Without prejudice to what is stated hereinabove, I state that I am the owner of a property surveyed under No.54/4-A of Village Colva admeasuring an area of 1788:00 sq. mts. The said property was purchased by me in the year 1993 by virtue of Deed of Sale executed by Mrs. Leonora de Loyola Furtodo e Fernandes executed before the Sub-Registrar of Salcete at Margao under Registration No. 2078, at pages 537 to 548, of Book No. I, Volume No. 317, dated 17/11/1993.
4. It is pertinent to mention that prior to execution of the said deed of sale in respect of the said property I executed an agreement 8/04/1983 with Mrs. Leonora de Loyola Furtodo e Fernandes for purchase of the said property in accordance with the said agreement I was put to in possession of the said property together with the structures existing thereon.
5. The said property purchased by me was originally part of the property surveyed under No.54/4 of village Colva. Pursuant to the Sale Deed a survey partition was carried out and the property purchased by me has been allotted a separate survey number. i.e. 54/4-A.

6. In the said property purchased by me there exist two structures, admeasuring a total area of approximately 392:00 sq mts., which are existing prior to year 1975.
7. It is pertinent to mention that my predecessor-in-title, Mrs. Leonora de Loyola Furtado e Fernandes had obtained construction licence to do the extension to the existing structures which was granted by the Village Panchayat vide its Construction Licence No.18/75 dated 8/4/1975.
8. Prior to issuing of the licence by your Panchayat, you had sent the construction file to the Town and Country Planning at Panaji for approval and to the PWD Department, the Town and Country Planning Department the vide its letter dated 14/3/1975 granted approval, which was received by your Panchayat on 31/3/1975, and PWD Department granted its NOC vide its letter dated 26th February 1975, which was received by the Panchayat on 3/3/1975, pursuant to that your Panchayat had issued Construction Licence to my predecessor vide licence No. 18/75.
9. I would like to submit that in the survey plan prepared by the Land Survey Department the said two structures are shown, including the well and the compound wall existing therein, which clearly shows that as on 1975 the said structures were in existence, even in the sale deed executed by me in respect of the said property the said structures are shown in the plan annexed to the deed.
10. From the above documents it is crystal clear that the structures existing in my property are legal and existing much prior to the Goa Coastal Zone Notification of 1991 came into force.
11. Your Panchayat ought to have perused the records in respect of my structures from the records maintained by your Panchayat before issuing the present Show Cause Notice.
12. I would like to submit that in the year 2001 the Goa Coastal Zone Management conducted a survey of Village Colva and prepared a list of the names of the alleged violators, all along the stretch of the Colva Beach.
13. In the said Show Cause Notice my name was never figured as a violator and/or that my structures are illegal. If at all my structures were illegal, then the GCZMA definitely would have mentioned my name as a violator in the list prepared.
14. Your Panchayat ought not to have issued notice to me without conducting prior investigation in the matter, I have failed to understand on what basis the Panchayat has arrived at finding that the construction existing in my property are illegal and that they are constructed subsequent to the year 1991.
15. Without prejudice to above the Panchayat is not a body constituted to take action in respect of the matter concerning violation of CRZ regulation.

16. It is stated that under the Environment Protection Act the Central Government has constituted an Authority known as Goa Coastal Zone Management Authority (GCZMA) to take action in respect of CRZ violation.
17. The said Authority (GCZMA) constituted under the Environment Protection Act is not empowered to delegate the power by GCZMA to any other Authority.
18. From the above it is clear that my construction in the property is legal and was existed much prior to year 1975 and extension was done to said structure upon obtaining licence from the Village Panchayat vide licence dated 8/4/1975.
19. The documents mentioned above conclusively prove that the structures are existing prior to 1975, and same were extend with in the year 1975 with the permission from the Panchayat. To substantiate my claim I demand right of hearing in the matter.
20. For the reasons mentioned above the Show Cause issued by your office be withdraw with immediate effect.

Yours faithfully,

F. Gonsalves

(Piedade Filomena Rodrigues)

Encl: as above
Documents

EXHIBIT R 4
56 Colly

Office of the Village Panchayat

See letterhead

18th Ward VA

Construction Licence No. 12/75

No Sy No is mentioned

No signature

Shri/Smt./Kum. Lourdes alias Loyola Furtado & Fernandes

from Colva Ward 2nd Ward is hereby granted licence for the construction of extension to the existing house, Construction of Compound wall and well at 2nd Ward Colva Beach as per the plan approved by the T.P. Committee vide letter No. PI/1526/2172/74-75 dt 14-3-75

in terms of the resolution No. 2.8 taken in the Panchayat meeting dated 5-4-75, as per the plans in triplicate / duplicate attached to his / her application under inward No. 225 Plans (2) dated 25-1-75 One copy ~~of the plans concerned, with the approval note carrying~~ the embossed seal of this Panchayat and duly signed, is returned to the interested party, who shall comply with the following conditions.:

1) To limit himself/herself to the Plans approved and statements therein.
2) The construction shall be as per plan approved by this Village Panchayat and condition inposed on it.
3) To inform the Panchayat when the construction has been completed upto Plinth level.
4) To inform the Panchayat as soon as the construction is completed.
5) Not to inhabit the building without the prior permission of this Panchayat
6) To abide by the other related provisions in force.
7) That the building or construction is carried out as per the allignment given and the Plinth level fixed by the Panchayat.
8) The construction licence shall be revoked:
   a) if the construction work is not executed as per the plans approved and statements therein;
   b) wherever there is any false statement or any misrepresentation of any material passed, approved or shown in the application on which the permit was based
9) _____
10) _____
11) _____
12) _____

The licence shall be valid for a period of ~~ONE / TWO~~ / THREE year/s beginning from to-day. ~~He has paid the respective tax/fees to the tune of Rs.~~ _____ ~~by Receipt No. _____ dated _____~~

This carries the embossed seal of this Panchayat.

Office of the Village Panchayat of Ilhas de Bardez, Vasudeva and Colva

Colva 8th April 1975

57

TOWN PLANNING COMMITTEE
GOVERNMENT OF GOA, DAMAN & DIU
Ganga Niwas Bldg., Menezes Braganza Rd,
Panaji.

Tel. No. 2246872

Ref. No. DJ/1506/3173/74-75

Date 14-3-75

To,

The Sarpanch,
V.P. Office,
Colva Salcete Goa.

Sub: Application of Smt. Leonora De Loyola Furtado e Fernandes, for extension in Survey No. 54/4 of Colva of the existing building of compound wall and well.

Ref: ~~PWD/WD VI/SD II/G-20/973/74-95~~ PWD/WD VI/SD II/G-20/973/74-95 dated 26/2/1995.

Sir,

With reference to above mentioned subject, I like to inform you that there is no objection over the proposed Construction provided

1. It does not disturb any existing footpath.
2. The plot boundary shown in the plan is different from the original plan- This in may be checked at your end.

Office of the Village Panchayat
Sernabatim, Vanelim, Colva
Received on. 31-3-75
Inward no 266

Yours faithfully,

(J.A. D'Souza) 14/3
Member Secretary

pds/14.3.75.

Copy to the Asst. Engineer, W.D. IV, S.D.I,
Fatorda -Margao.

seen 31/3/75

14/3/75

GOVERNMENT OF GOA

Office of the Village Panchayat
Sernabatim, Colva
Received on 3.3.75
Inward no 250

No. [illegible]/74-[illegible]
Government of [illegible]
Office of the [illegible]
P.W.D., Town Div., [illegible]
Vasco-da-Gama, Goa.

Dated: 26th February 1975.

7th Phgn., Saka-1896.

To
The Sr. Town Planner,
Town Planning Committee,
PANAJI-GOA.

Sir,

Sub: Const. plan file.

Please find enclosed herewith the plans in quadplicate of the proposed extension of a residential house by Smt. Leocadia Furtado at Farmdos at Colva for further needful action and this office has no objection over the proposed construction as far as road set back is concerned.

After doing the needful the file may be sent to the Sarpanch, Village Panchayat of Sernabatim, Vanolim Colva under intimation to this office.

Thanking you,

Yours faithfully,

(V. Jenardhanan)
ASSISTANT ENGINEER

Encl: Const. file.

Copy to: The Sarpanch,
Village Panchayat of
Sernabatim, Vanolim & Colva.
W/c to letter No. VP/SVC/329/74-75 dated [illegible]
addressed to the Executive Engr., P.D.VI, Margao.

3.3.75

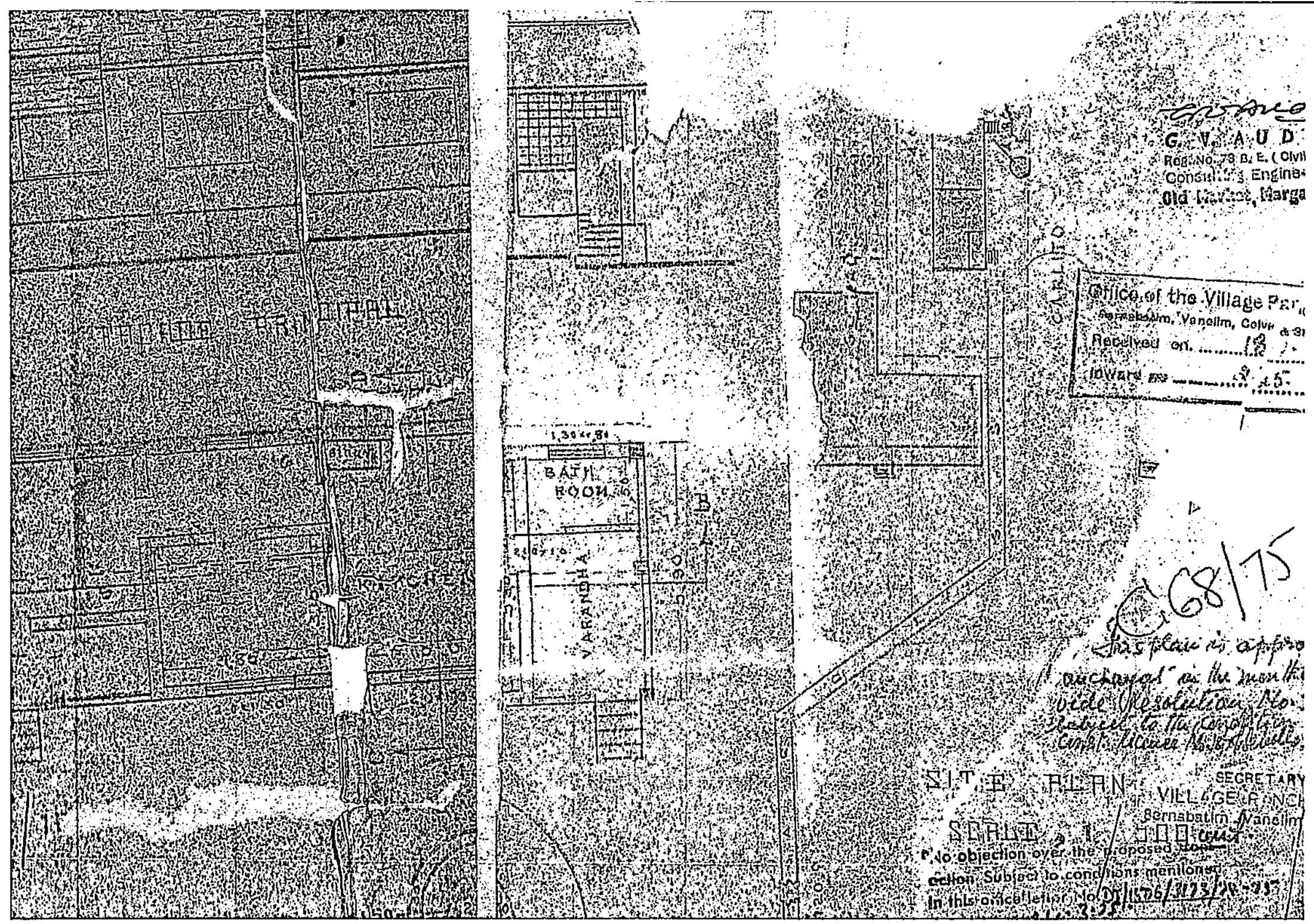
SECTION — □-□

4.20

2.80

2.10

1.10


HALL
BATH ROOM
VARANDA
G. V. A U D
Reg. No. 73 B. E. (Civil
Consul
Old
Office of the Village Pan
Bernabatim, Vanelim, Colva
Received on
Inward
G 68/75
SITE PLAN
SCALE 1
SECRETARY
VILLAGE PANCH
Bernabatim Vanelim
No objection over the proposed
action Subject to conditions mentioned
in this office letter No

GOVERNMENT OF GOA
DIRECTORATE OF SETTLEMENT &
LAND RECORDS

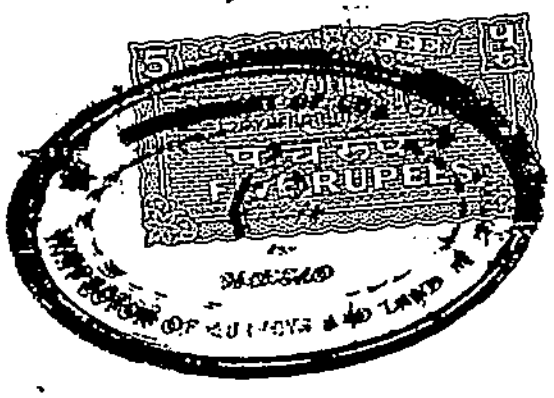
60

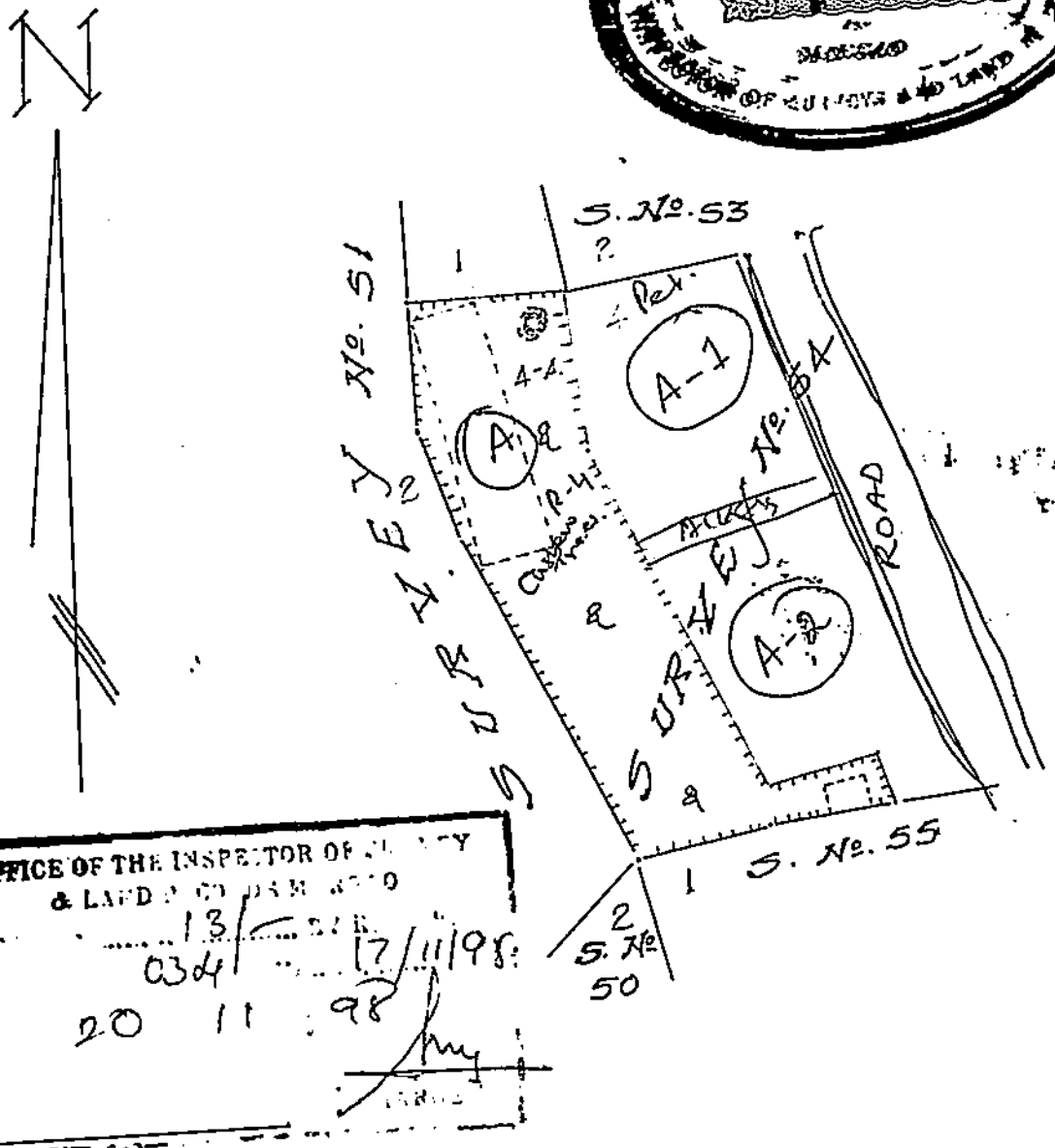
PLAN

SHOWING THE PLOTS SITUATED
AT COLVA VILLAGE
OF SALCETE TALUKA
S. No./SUB DIV. NO. 54/4
SCALE-1:1000

Plots on 54/4 (No sub-div

20/11/98
I-S & L.R.





OFFICE OF THE INSPECTOR OF SURVEY
& LAND RECORDS
13
0324
17/11/98
20 11 98

CHECKED BY

TRACED FROM P.T. SHEET NOS. 7 & 14
OF COLVA VILLAGE ON 18-11-98
(J. R. FERNANDES) BY J. R. Fernandes
18/11/98

Ph:- 2788485
Office of the Village Panchayat
Sernabatim, Vanelim, Colva & Gandaulim
Salcete - Goa. Pin Code 403 708

Ref. No. VP/SVCG/ 2495 /2009-10

Date 4/3/2010

To,
Shri. Snowkon Gonsalves (Reg A/D)
r/o H.No.122/1, 2nd ward
Colva-Goa.

Sub: Const. licence No.VP/SVCG/Const.65/2009-10/2130, dated 6/01/2010 for proposed repairs & renovation of the Existing structure in Sy.No.54/4-A of Colva Village.

Sir,

This Panchayat in receipt of the Copy of Show Cause Notice under reference No. GCZMA/S/08-09/41/695, dated 7/01/2010 from Goa Coastal Zone Management Authority addressed to you and copy earmarked to this Panchayat, that you have mislead and suppressed. The facts mentioned in the said notice and therefore the said Authorities has issued the said Show cause notice to you.

Subsequently, this Panchayat has also received another letter Vide No. GCZMA/S/08-09/41/700, dated 11/01/2010 from the said Authority that the permission granted to you vide NO. GCZMA/S/08-09/41/70, dated 17/4/2009 kept in obeyance till the disposal of the said matter.

It is Pertinent to note that this Panchayat has issued the said Construction licence for proposed Repairs and Renovation based on Clearence given by the said Authorities.

Further, this Panchayat also received a letter dated 7/1/2010 from Concerned Ward Member, Mr. Jose Fernandes regarding objection for issuing of licence to Mr. Snowkon Gonsalves in Sy.No.54/4-A of Colva Village for Repair & Renovation of structure, Compound wall & Well, seeking revocation if your said Const. licence.

The above mentioned correspondence was placed before the Panchayat meeting held on 22/2/2010 and upon going through the same, It is Unanimously decided to issue a Show Cause Notice

Cont....

Ph:- 2788485

Office of the Village Panchayat

Sernabatim, Vanelim, Colva & Gandaulim

Salcete - Goa. Pin Code 403 708

Ref. No. VP / SVCG / ___

Date 4/2/2010

Cont.....

for revocation of Construction licence of Repairs & Renovation of structure, Compound wall & Well in Sy.No.54/4-A, Village Colva. Till such time, the Permission/Const. licence granted to you Vide No.VP/SVCG/Const.65/09-10/2130, dated 6/1/2010 is hereby held in abeyance.

Further, You are directed to produce the original Const. licence issued by this Office alongwith approved Plan.

I, Therefore, V.P Secretary hereby call upon to show Cause within 7 days as to why the Const. licence granted to you should not be revoked, failing to submit your reply alongwith the required documents, then this Panchayat will come to the Conclusion that you have no Justification to provide nor produce any documents and the Authority shall proceed to issue final directions without any further notice.

Yours faithfully

SECRETARY
Village Panchayat
SERNABATIM, VANELIM,
COLVA & GANDAULIM

OFFICE OF THE VILLAGE PANCHAYAT SERNABATIM, VANELIM, COLVA & GANDAULIM

GOVERNMENT OF GOA

DIRECTORATE OF SETTLEMENT &

LAND RECORDS

(5)

PLAN

SHOWING THE PLOTS SITUATED

AT COLVA VILLAGE

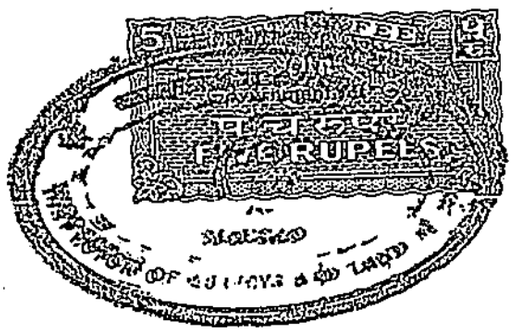
OF SALCETE TALUKA

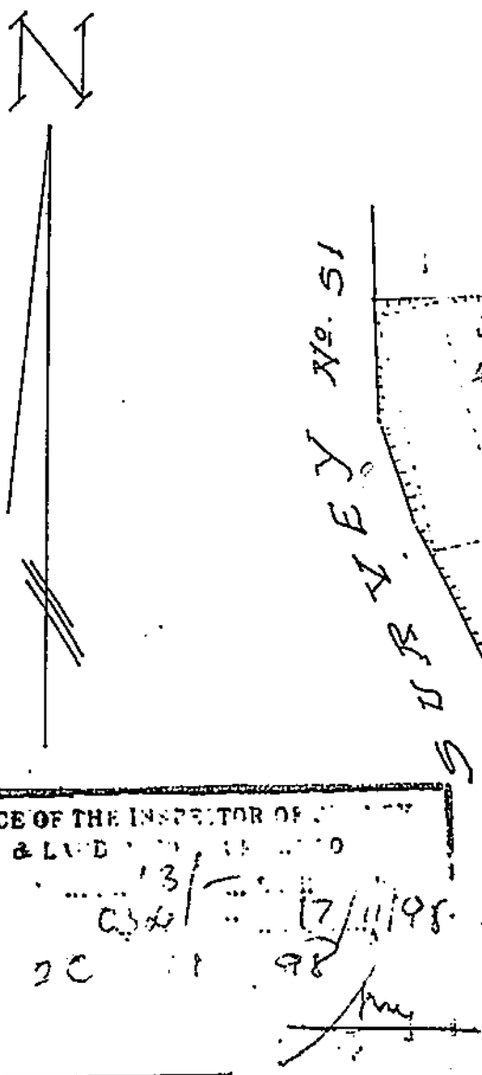
S. No./SUB DIV. NO. 54/4

SCALE-1:1000

20/11/98

I.S. & L.R.





OFFICE OF THE INSPECTOR OF ... & LAND ...

13/ ... 17/11/98.

20 ... 98

CHECKED BY

TRACED FROM P.T. SHEET NOS. 7 & 14

OF COLVA VILLAGE ON 18-11-98

(J. R. FERNANDES) BY J. Fernandes 18/11/98

IN THE COURT OF THE SUB DIVISIONAL OFFICER, SUB DIVISION,

MARGAO-GOA.

Case No.LRC/PART/ 34/97 / 2491

Smt. Piedade Filomena Abiena Gonsalves,
r/o 3rd ward,Colva,H.No.242/1,
Colva,Salcete-Goa. ... Applicant.

V/S

Leonar de Loyola Furtado e Fernandes. ... Respondent.

J U D G M E N T

WHEREAS, SHRI/SMT..Above named applicant.....
r/o ..3rd ward,Colva,H.No.242/1,Colva,Salcete has made an applicati
dt...1-7-96..... u/s 61 of Land Revenue Code, 1968, for partitio
of ~~property~~ surveyed under sy.No....54/4..... of Village
.....Colva..... of Salcete Taluka;

AND WHEREAS, the notices as well as proclamation was issued after fixing the date of hearing;

Whereas on the day of hearing Applicant remain present. Respondent absent inspite of proper service, Case is to be ex-parte against him. Partition is allowed.

AND WHEREAS, I am satisfied on the ground on which the said application is made and there is no objection from the parties concerned. Therefore, I pass the following order:

O R D E R

The Inspector of Survey & Land Records, (~~Settlement~~), Fatorda, Margao-Goa is hereby directed to carry out the partition of the property under Survey No.....54/4..... of village.....Colva.....
based on the enclosed documents i.e. records in Form I & XIV, plan and site plan showing area to be separated by allotting new holding.

P.T.O.

The report alongwith the relevant-records may be submitted to the undersigned for further necessary action.

No order as to the cost.

Parties to be informed.

Given under my hand and the seal of this Court on this 21st day of October, 1997.

(H.Rajesh Prasad)
Sub Divisional Officer,
& Deputy Collector, Sub
Division, Margao-Goa.

To,
The Inspector of Survey & Land Records, (City Survey), Fatorda Margao-Goa for necessary action.

Copy to the applicant.

1.The applicant is directed to approach the office of the Inspector of Survey & Land Records, (City Survey), Fatorda, Margao-Goa within 15 days from the receipt of this order for payment of necessary survey fees. The confirmation will be made only after the receipt of report from the office of the Inspector of Survey & Land Records.

2.The confirmation of this case is fixed on 18-12-97 at 3 p.

-/ms.

Member Secretary
G.C.
Inward No. 1683/E
Date 29/10/2008

Application format for proposed Projects/Constructions/Repairs in CRZ

From: (Name and full postal address of the owner)

SNOWLON GONSALVES,
H.NO 122/1,
2ND WARD COLVA,
SALCETE - GOA 403708

To,

The Member Secretary,
Goa Coastal Zone Management Authority
C/o Department of Science, Technology & Environment,
Opp. Saligao Seminary, Saligao, Bardez,
Goa - 403 511.

Subject:

Sanction sought for REPAIRS & RENOVATION OF EXISTING STRUCTURE, C.WALL & WELL

Sir,

I intend to carry out the under-mentioned development in the plot of land under Survey No. 54/4-A (Chalta No. _____ P.T. Sheet No._____) of COLVA Village/Town, SALCETE Taluka, in accordance with the Coastal Regulation Zone (CRZ) Notification dated 19th February 1991 and as amended subsequently.

(Please give particulars of the proposed development)

I am enclosing herewith the following documents.

1. Ownership documents.
2. Form I & XIV.
3. Certified copy of Survey Plan issued by Directorate of Settlements & Land Records.
4. Site Plan showing the existing and proposed developments (duly coloured as per colour code) countersigned by the Owner and Architect/Engineer/Town Planner registered with their respective associations.
5. One copy of the detailed plans of the proposed developments countersigned by the Owner and Architect/Engineer/Town Planner registered with their respective associations.
6. Contour Plan of the plot with 50 cm. Contour interval (not applicable in case of re-construction and repair)
7. CRZ Clearances questionnaire duly completed (Form "A")
8. Environmental Impact Assessment (EIA) Report (not applicable for compound walls, re-construction, repair and, single dwelling units).
9. Existing and proposed vegetation plan (not applicable for compound walls, re-construction and repair).
10. Photographs of the property from all sides showing the existing landscape, structure etc.

I request that the clearance for the proposed development in the CRZ may be accorded.

Date: 28/10/08

Signature of the Owner

GOA COASTAL ZONE MANAGEMENT AUTHORITY

C/o Department of Science, Technology & Environment,
Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa – 403 511
Phone: (0832) 2407186, 2407187, 2407189 Fax: (0832) 2407186

Ref. No. GCZMA/S/08-09/41/310 *Dated:* 10/08/2009

To
Mr. Snowkon Gonsalves,
H.No. 122/1,
2nd Ward Colva,
Salcete-Goa.

Sub: Proposed repairs and renovation of the existing structure in Survey No. 54/4-A of Colva village, Salcete Taluka.

Ref: This Office letter No.1. GCZMA/S/08-09/41/70 dated 17/04/2009
2. GCZMA/S/08-09/41/164 dated 12/06/2009
3. GCZMA/S/08-09/41/165 dated12/06/2009.
4. Your letter No. NIL dated 05/05/2009

Sir,

With reference to your application and on verification of the records in file, the following correction shall be made in the permission granted vide this letter No.GCZMA/S/08-09/41/70 dated 17/04/2009.

Instead of *"approval is hereby granted only for repairs and renovation of the existing structure in Survey No. 54/4-A of Colva village, Salcete Taluka"* it shall be read as *" approval is hereby granted only for repairs and renovation of the existing structure, compound wall and well in Survey No. 54/4-A of Colva village, Salcete Taluka".*

The other contents and conditions shall remain the same.

Yours faithfully,

(Michael M. D'Souza)
Member Secretary, GCZMA &
Director/Ex-Officio, Jt.Secy. (STE)

Copy to: 1.The Panchayat Secretary, Village Panchayat of Sernabatim,Vanelim, Colva & Gandaulim, Salcete-Goa.
2. The Town Planner, Office of the Senior Town Planner, Town & Country Planning Department, Government of Goa, Osia Complex Margao-Goa.

RECEIVED
T.C.P.D., MARGAO
DATE 12/08/09

IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No. 236/2010

Goa Foundation .... Petitioner

V/s

Village Panchayat of Colva & Ors .... Respondents

ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3

I, Shri Snowkon Gonsalvaes son of Mr. Robert Gonsalves, major of age, Indian National, resident of House No. 122/1, Second Ward, Colva, Salcete Goa do hereby state on oath and affirm as under:

1. I crave leave to file this additional affidavit for the purpose of placing on record certain documents to which were not placed earlier on record by me and also to clarify certain issues raised about the legality of the structure which is presently standing in the property bearing Survey no. 54/4-A at Colva Village within the limits of Village Panchayat of Colva.
2. I say that the structure which is standing as on date in the property bearing survey no. 54/4-A is not the structure which was directed to be demolished by this Hon'ble Court dated 2nd March, 2000 in Writ Petition No. 76/1995.
3. I say that the present structure in Survey No. 54/4-A was existing prior to 1975 and in the year 1975 construction licence was applied for the purpose of carrying out extension to the existing house, compound wall and well.
4. I say that total area of the property bearing Survey no. 54/4 is approximately 11,818 sq. mts. belonging to several persons and has several structures constructed on it and the plot of the Respondent No. 3 bearing survey no. 54/4-A admeasures 1,385 sq. mts.

   Annexed hereto are the copies of form I & XIV and the plan showing structure and marked as Annexure R-1 Colly.
5. I say that the photographs annexed in Writ Petition No. 76/1995 does not show all the structures which were existing on site at that time.
6. I say that the structure in Writ Petition No. 76/1995 is different from the existing structure which was constructed earlier in the year 1975 after taking approvals from the Village Panchayat, Town & Country Planning Department and the PWD Department.
7. I say that the subject matter of Writ Petition No. 76/1995 was the structure which was constructed in the year 1994 only.

8. I respectfully submit that the operative portion of the Order passed by this Hon'ble Court i.e. paragraph 17 also does not direct demolition of all the structures existing in Survey No. 51/1, 51/2 and 54/4 but the same is in reference to only the construction carried out by Respondent No. 4 in Writ Petition No. 76/1995 for the period in the year 1994.
9. I say that the Petitioner has not produced any material on record before this Hon'ble Court to show that the existing structure is the one which is directed to be demolished in the Writ Petition No. 76/1995. On the other hand I have produced all the documentary evidence to prove the existence of the present structure since 1975.
10. I say that the present petition is based on presumptions, surmises and conjunctures and I have every reason to believe that the present petition has been filed at the behest of my political opponents for apparent motives.
11. I say that the contents of the foregoing paragraphs 1 to 10 are true to my knowledge and no part of it is false and based upon the documents available with me.

Solemnly affirmed on this 5th day of August, 2010 at Panaji.

DEPONENT

Identified by me:

170/1144

FORM I & XIV

Date : 30/07/2010

नमुना न 1 व 14

Taluka तालुका : SALCETE

Village गांव : COLVA

Name of the Field शेताचें नांव : Metade de Prais Emseis Lances

Survey No. सर्वे नंबर : 54

Sub Div. No. हिस्सा नंबर : 4

Tenure सत्ता प्रकार :

Cultivable Area (Ha.Ars.Sq.Mtrs) लागण क्षेत्र (हे. आर. चौ. मी.)

Dry Crop जिरायत	Garden बागायत	Rice तरी	Khajan खाजन	Ker केर	Morad मोरड	Total Cultivable Ar एकूण लागण क्षेत्र
0000.00.00	0000.41.43	0000.76.00	0000.00.00	0000.00.00	0000.00.00	0001.17.43

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक क्षेत्र (हे. आर. चौ. मी.)

Pot-Kharab पोट खराब

Class (a) वर्ग (अ)	Class (b) वर्ग (ब)	Total Un-Cultivable Area एकूण नापिक जामीन	Grand Total एकूण	Remarks शेरा
0000.00.00	0000.00.75	0000.00.75	0001.18.18	

Assessment : आकार Rs. 0.00 Foro फोर Rs. 0.00 Predial प्रेदियाल Rs. 0.00 Rent रेंट Rs. 0.00

S.No.	Name of the Occupant कब्जेदाराचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	Leonar de Loyola Furtado e Fernandes			
2	John Francisco Serrao		319	
3	Felix Menino Jesus Serrao			
4	Jose Armando Serrao			
5	Alcantara Serrao			
6	Maria Isaleta Lina Serrao D'Souza			
7	Filomena Piedade Serrao Furtado		218	
8	Gomilar Marco		35948	
9	Gomilar Mamta Rani		35948	

S.No.	Name of the Tenant कुळाचे नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	Nil			

Other Rights इतर हक्क Name of Person holding rights and nature of rights: इतर हक्क धारण करणाऱ्याचे नांव व हक्क प्रकार	Mutation No फेरफार न	Remarks शेरा
Nil		

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SALCHE - MARGAO

MAMLATDAR OF SALCETE

30/7/10

FORM I & XIV

नमुना नं 1 व 14

Date : 30/07/2010

Taluka SALCETE
तालुका

Village GOLVA
गांव

Name of the Field Meiade de Prais Emseis Lances
शेताचें नांव

Survey No. 54
सर्वे नंबर

Sub Div. No. 4
हिस्सा नंबर

Tenure
सत्ता प्रकार

Details of Cropped Area पिकाखालील क्षेत्राचा तपशील

Year वर्ष	Name of the Cultivator लागत करणा-याचे नांव	Mode रीत	Season मौसम	Name of Crop पिकाचे नांव	Irrigated बागायत Ha.Are.Sq.Mts हे. आर. चौ. मी.	Unirrigated जिरायत Ha.Are.Sq.Mts हे. आर. चौ. मी.	Land not Available for cultivation Nature वगैरे	Area क्षेत्र Ha.Are.Sq.Mts हे. आर. चौ. मी.	Source of irrigation	Remarks शेरा
1990-1991	.	.	.		0000.00.00	0000.00.00	.	0000.00.00	.	

End of Report

For any further inquires, please contact the Mamlatdar of the concerned Taluka

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MAMLATDAR OF SALCETE
MARGAO

FORM I & XIV

Date : 30/07/2010 नमुना न 1 व 14 Page ...

Taluka तालुका SALCETE

Village गांव COLVA

Name of the Field शेताचें नांव Metade de Praia em Seis Lances

Survey No सर्वे नंबर ...34

Sub Div No हिस्सा नंबर 4-A

Tenure मना प्रकार

Cultivable Area (Ha.Ars.Sq.Mtrs) लागण अंत्र (हे. आर. चा. मी.)

Dry Crop जिरायत	Garden बागायत	Rice खरी	Khajan खाजन	Kar कर	Morad मोरड	Total Cultivable Area एकूण लागवडी अंत्र
0000.00.00	0000.10.35	0000.00.00	0000.00.00	0000.00.00	0000.00.00	0000.10.35

Un-cultivable Area (Ha.Ars.Sq.Mtrs) नापिक अंत्र (हे. आर. चा. मी.)

Pot-Kharab पोट खराब

Class (a) वर्ग (अ)	Class (b) वर्ग (ब)	Total Un-Cultivable Area एकूण नापिक जामीन	Grand Total एकूण	Remarks शेरा
0000.03.92	0000.00.05	0000.03.97	0000.14.32	

Assessment : आकार Rs. 0.00 Foro फोरु Rs. 0.00 Previous प्रेविअस Rs. 0.00 Total Rs. 0.00

S.No.	Name of the Occupant कब्जेदाराचें नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	Snowkon Willy Maison Gonsalves		33642	

S.No.	Name of the Tenant कुळाचें नांव	Khata No. खाते नंबर	Mutation No. फेरफार नं	Remarks शेरा
1	----------Nil----------			

Other Rights इतर हक्क
Name of Person holding rights and nature of rights.
इतर हक्क धारण करणाऱ्याचें नांव व हक्क प्रकार
----------Nil----------

Details of Cropped Area पिकाखालचा तपशील

Year साल	Name of the Cultivator लागण करणाऱ्याचें	Mode मोड	Season मोसम	Name of Crop पिकाचें नांव	Irrigated बागायत Ha Ars Sq Mts हे. आर. चौ. मी.	Unirrigated जिरायत	Land not cultivated लागवडी खालची जमीन नसलेली Cultivable लागवडी खालची जमीन		Source of Irrigation पाण्याचें साधन

End of Report COMPUTERIZED CERTIFIED COPY

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OFFICE OF THE MAMLATDAR SALCETE - GOA

MAMLATDAR OF SALCETE